



Case for Court

"The

of his profession"
The Times

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Julian Prescott

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But in a profession which has always been something of a forcing-house for odd and entertaining characters a lawyer's colleagues can be every bit as entertaining as the clients who come in to consult him, and in *Case for Court* Mr. Prescott turns a sharply observant eye upon his fellow limbs of the law.

Foremost among them is Garrett Matheson—pompous, arrogant and vain, with much of the showman in his make-up—who reigns as the uncrowned king of the local courtroom until a young and aspiring advocate crosses his path and soon becomes a bitterly resented rival.

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To begin with the young man's talents enable him to twist his elder colleague's tail; and as we see him win a succession of cases by adroit tactics and clever cross-examination, we watch Matheson's resentment gradually harden into something more—the obsession to hound his rival out of practice.

Against a background authentically legal, with the action shifting quickly from consultation-room to court, the duel between the two men develops to a climax which finds them appearing side by side in a committal for trial in a murder case.

By the same author

**BOTH SIDES OF THE CASE
THE CASE CONTINUED
CASE PROCEEDING
CASE FOR THE ACCUSED
CASE FOR TRIAL
CASE FOR HEARING**

Case for Court

By

JULIAN PRESCOT

ARTHUR BARKER LIMITED

20 NEW BOND STREET LONDON W1

1914 by Julian Prescott

AUTHOR'S NOTE

The Prescott partners are not in the Law
List: their colleagues, clerks, and clients
do not exist.

MADE AND PRINTED IN GREAT BRITAIN BY
MORRISON AND GIBB LIMITED, LONDON AND EDINBURGH

Do as adversaries do in law,
Strive mightily, but eat and drink as friends.

The Taming of the Shrew.

II

“ROLL out the red carpet and sound a fanfare of trumpets,” I said, to nobody in particular. “His Imperial Highness is about to make his appearance.”

The reporter sitting on the opposite side of the advocates’ table, with his back to the Bench, raised his head and grinned. It was clear that he knew as well as I did that Garrett Matheson wasn’t likely to walk into court like an ordinary mortal but could safely be relied on to stalk in like an actor of the old school about to occupy and hold the centre of the stage.

Since twenty minutes past ten, Seaton, Matheson’s clerk, had been busily setting the scene for his principal’s appearance. To begin with he had bustled in with a yellow-bound copy of *Paterson’s Licensing Acts* and a volume or two of law reports in half-calf, which he had plumped down on the extreme left of the advocates’ table—his master’s place by prescriptive right. When he had, as it were, reserved the great man’s usual seat, he hurried out and then returned, a few moments later, with a small collapsible lectern which he proceeded to set up as a support for his principal’s papers. Having carefully adjusted the lectern to the correct height Seaton scurried out of court again, and reappeared a minute or two later with half a dozen sets of papers, each tied with a circlet of red tape, and then began to range them in an imposing line in the order in which the cases were likely to be reached.

Then, as the minute-hand on the courtroom clock crept on to the half-hour, he took from a brief-case the impedimenta which Matheson appeared to regard as indispensable adjuncts to advocacy—the six freshly sharpened pencils in as many colours, for marking the briefs; the magnifying glass for reading any footnote which happened to be in a type too small to be easily discernible—for Matheson, although he wore glasses in private, disdained to use them publicly; and the foolscap evidence-book, enclosed in a

detachable cover of red morocco bearing Matheson's monogram in gold, for taking down a note. Finally, Seaton moved the carafe from the centre of the table to within arm's length of the lectern, poured out half a glass of water and then stood back and surveyed his handiwork with the anxious air of a conscientious recruit awaiting kit-inspection by his company commander.

While all this had been going forward the courtroom had been filling. Two or three solicitors and a member of the bar had joined me at the advocates' table, Chief-Inspector Benson had taken his usual seat on the right-hand side and was looking through the topmost file of the dozen or so in front of him, and from the public benches in the well of the court came a subdued buzz of conversation as licensees, actual or prospective, architects, brewery representatives, police officers and solicitors' clerks waited for the licensing justices for the county borough to make an appearance.

At exactly half-past ten the justices trooped in with Mr. Rose, the magistrates' clerk, bringing up the rear. Everyone stood up as the members of the Bench settled into their places, the clerk bowed to the chairman and took his seat, all the advocates present followed suit, and then everyone else sat down again so that the members of the licensing committee might get on with the serious business of the morning.

As I got up to make the first application on the list—I was to ask for a transfer of the licence of *The Jolly Sailors*—I saw out of the corner of my eye that Seaton was scuttling out of court again, and experience told me that he was bound for the solicitors' room with the news that the licensing committee was in session.

My application took no more than two or three minutes: the attendance of the outgoing manager had been dispensed with on the making of the protection order, and it was merely a matter of calling his successor to answer a few formal questions. Then Inspector Benson rose to tell the justices that the Chief Constable had no objection to the transfer, and the chairman of the Bench, after a quick glance round his colleagues to collect their nods of assent, made the brief announcement that my application was granted.

As my client stepped out of the witness-box I sensed a stir at the back of the courtroom, and I turned round to enjoy what was irreverently known in local legal circles as the Procession of the Sirdar. It was a pleasure that never palled. Slowly and consequentially Matheson made his appearance through the ruck of police officers and members of the public who were clustered at the back of the court. He was the centre of attraction and he knew it: though I had watched his ceremonial entrances a hundred times I could never resist the temptation to turn round, as I was turning now, to take in every detail of his appearance—bald head, pale and rather fleshy face barred by a clipped black moustache and over-luxuriant eyebrows, the arrogant jut of a commanding jaw, and the jaunty upward tilt of the head that was characteristic of him. I noted the red carnation, the high, winged collar and spotted bow-tie and the slender thread of gold chain that hung across his waistcoat—for Matheson would have been as little likely to appear in court without a waistcoat as without his elegantly tailored trousers. Behind him came Seaton and behind Seaton ambled a young articulated clerk. Matheson moved slowly into his place, bowed ceremoniously to the Bench, vouchsafed a nod and a smile to the magistrates' clerk and then, sinking into his seat, he picked up his first set of papers. His two attendants filed into the seats immediately behind him, and the next application was called. Major Matheson, O.B.E., T.D., had arrived.

The trouble with the old man's stage-entrances, I always felt, was that they were pervaded with a strong aura of anti-climax. Of course, every lawyer knew where he had picked up the elaborate routine which led up to the moment of his actual appearance—the comings and goings of the clerk, the arrangement of the books and briefs, the setting up of the reading desk, the laying out of the notebook, pencils, magnifying glass and carafe of water. Rumour had it that Matheson, as a very young man, had once briefed Sir Edward Marshall Hall, then at the high-water-mark of his career as a criminal advocate, and had afterwards appropriated to himself some of the master's mannerisms and methods. I dare say that the routine didn't vary very much from the elaborate ritual he had seen in some assize court many years before, but

whereas Marshall Hall's entry, when it came, must have seemed to justify all the elaborate preparation that had preceded it, poor old Matheson had neither the face nor the figure to warrant it.

When, after all those long-drawn-out preliminaries, Marshall finally stalked into court to defend some client upon a capital charge, with a wig on his leonine head and a silk gown swathing his massive shoulders, one could well imagine everyone in the crowded courtroom turning instinctively towards him with the feeling that here was a man worth waiting for. Whether or not he was the greatest jury advocate of his day is a question that may admit of some discussion, but that he looked the part to perfection is something that everyone who saw him will readily concede. Matheson, on the other hand, was a little man—a bantam cock rather than an eagle—and although there was plenty of pugnacity and self-consequence in his face—his features and bearing were commonplace.

Still, one had to admit that what he lacked in inches he made up in the volume of his voice. One never saw a senior magistrate leaning forward intently with a hand cupped behind his ear to catch what was being said from the advocates' bench below when Matheson was on his feet. Resonant, authoritative, clear—the voice held all the self-assurance of the man, and as the justices' clerk called on Matheson's first case I knew that it wouldn't be long now before I should hear it.

His application concerned some structural alterations to be made at the Queen's Head—a simple matter capable of being explained in about five minutes to a bench of experienced magistrates, who have probably had a good look at the plans before coming into court and know all about the application before the advocate making it has so much as opened his mouth. Matheson made a meal of it, as he tended to make a meal of everything; there was a pompous and unnecessarily involved opening; the architect was called to the witness-box, sworn, and then, instead of being allowed to give a brief exposition of the plans himself, was taken—question by question—through a detailed examination. Long before he had reached the end of it I got up from my seat at the advocates' table, bowed to the Bench and made

my way out to the solicitors' room to have a cigarette. I dare say that the magistrates who were left behind to sit and listen wished that they could do likewise, but for them an appointment to the commission of the peace meant Matheson, and—in the courts where he practised—he was a cross every magistrate had to bear.

The solicitors' room, when I went in, was still redolent of cigar smoke, and I saw the butt of a half-smoked Havana lying in an ashtray. Jim Sievier was standing alone with his back to the fire and his head in the sporting pages of a newspaper.

"An expensive smell in here," I said, sniffing the smoke-laden air.

"The master's matutinal corona," said Sievier, with mock gravity. He put down his paper, hooked his thumbs into the armholes of his waistcoat and struck a pose that was Matheson to the life. "For the last thirty years I've smoked my six cigars a day. My doctor doesn't like it, of course. Says I should cut 'em down. Heart, you know! But I'm hanged if any damned doctor is going to interfere with so excellent a habit."

"You're going to take the old man off once too often," I warned him. Sievier had a talent for mimicry, and if I had closed my eyes while he had been speaking it would have been easy to imagine that it was Matheson himself beside me dilating, as he so often did, upon his fondness for cigars. "The old boy gets into a huff easily enough as it is, and if he should happen to walk in and find you giving one of your impersonations he'd have an apoplectic fit."

"He doesn't worry me," said Sievier easily. "The trouble with Matheson is that everyone round here is a damned sight too deferential. That poor devil of a clerk of his treats him as though he were Lord God Almighty, and that goes for a good many other people as well." He shrugged his shoulders in mock despair. "What beats me is how the old boy gets away with it. That preliminary ritual of his—cribbed, of course, from Marshall Hall—would be all very well in a music-hall but it couldn't be more out of place in a magistrates' court. And yet it seems to go down wonderfully well with those who don't know better. I've seen his clients sitting there goggle-eyed and open-mouthed while

Seaton's been setting the scene for the old man's entrance. The fellow's a showman, not a lawyer. And yet he's got one of the biggest practices in the town. How he's managed it I can't imagine."

"If you'd lived here as long as I have you'd understand it well enough," I said. "He didn't build that practice of his, it was simply handed down. His grandfather put up his plate more than seventy years ago, his father carried on, and when Matheson came back from the war and qualified there was a first-rate practice, ready-made, waiting to drop into his lap. He didn't make that enormous practice of his—he inherited it, and about seventy-five thousand pounds as well."

"The silver spoon, eh!" said Sievier. "Well, I can understand that well enough. But to inherit a practice is one thing and to keep it is another. Matheson is no great shakes as a lawyer—in fact, to do him justice, I don't think he'd make the claim himself. And yet his practice seems to go from strength to strength. You've only to walk into those offices of his to realise that the place is humming—twenty-odd clerks and typists who always seem to be working flat out. He must be clearing ten thousand a year for himself at the very least. And yet there are lots of lawyers with ten times his brains earning only a fifth of what he does, and having to work damned hard to do it. How he manages it is a mystery to me."

"There's no mystery about it," I said. "He not only inherited the practice, he inherited a first-rate staff as well. Old Seaton's been with the firm for nearly fifty years, and he's one of the best common-law clerks in the business. Getting a bit past it, perhaps, these days, but he's still a top-notch man. Matheson goes into court and fires the bullets, but it's Seaton who carefully casts 'em behind the scenes. Matheson may not be much of a lawyer, but fortunately for him he doesn't need to be. He has all the relevant law and facts at his finger-tips in a beautifully prepared brief, and all he has to do is to put it over. If he had to do anything the least bit involved straight off the cuff my guess is that he'd flounder hopelessly."

"He puts it over all right," admitted Sievier grudgingly. "He's

pompous, he's ponderous, and he wastes a lot of time, but one can't deny that he's impressive after his own fashion. It's that superabundant confidence of his, I suppose, that does the trick. Every word he says is delivered with an *ex cathedra* air. If he does no more than get up to ask for an adjournment or to make a simple application for an extension of hours, he does it with panache. I must admit that. And I've never in my life seen a man with such an eye for a headline."

"I know. The reporters love him. But even the flair for the striking phrase can become a vice if one overdoes it. What's more, some of his humour is of the crude, schoolboy variety. I heard him, only the other day, prosecuting a prisoner called Perch. Believe it or not, the old man rolled the name off his tongue two or three times, glanced significantly at the magistrates, and then made some comment that the explanation in the fellow's voluntary statement added up to a very fishy story. The odd thing was that it brought the house down."

"The jokes of the rich and powerful are always successful," observed Sievier sententiously. "He was holding court in here this morning, before he went in to do his licensing, and nobody else could get a word in edgeways. One can't hold a conversation with Matheson around. He elbows his way onto the centre of the stage and then proceeds to deliver a monologue, punctuated by the approving smiles and chuckles of the sycophantic morons who gather round him and lap up every word he says. It makes one sick. It really does. I don't suppose that anyone has dared to contradict him since the day he qualified."

"You should try it sometime," I suggested lightly, throwing my cigarette-end into the fire. "Well, I think I'll wander back into court and see how he's getting on. The magistrates should be getting somewhere near the next case by this time."

I walked back into the courtroom to find Matheson still on his feet. I gathered that his application to make the structural alterations at the Queen's Head had been duly granted, and he was now opening an application under section 9 of the Licensing Act for an extended-hours order in respect of a club.

"He seems to be going into it very fully," I whispered to

Sergeant Spence, who was standing by me at the back of the court.

"It's opposed, sir. There's an objection by the residents on both sides of the club premises. We've had complaints about the noise as it is. There's a band, you know, and in view of this application to keep open until one o'clock in the morning the neighbours are up in arms about it. Say they won't be able to get a wink of sleep if the application is granted. And I can well believe it."

"Who's appearing for the objectors?"

"A Mr. Weld, sir. Don't believe I've seen him here before. A newcomer, isn't he?"

I nodded. I, too, was seeing Weld in court for the first time. I knew that he had taken over Musgrave's practice, which had been on offer since the sole surviving partner's death some six months before, but I had never yet come into contact with him. Old Musgrave had carried on a long-established practice which had been allowed to run down to the point at which it warranted a staff of no more than an office-boy, a typist and a couple of clerks. The clientèle was so small that the goodwill of the practice had been on offer for a song, no one locally had been inclined to make a bid for it, and when the trustees were on the point of closing down the office, dismissing the staff, and selling the library and equipment under the hammer for whatever it would bring, young Weld had suddenly appeared upon the scene and taken it over. Having regard to the kind of practice it was I felt sure that he had been able to buy himself into it on very easy terms.

But now Matheson had finished his opening, and the articulated clerk was called into the witness-box to prove the service of the notices. He took the oath and then proceeded to tell the justices how he had served notice of the application upon the clerk to the justices and the other persons specified in the Licensing Act, and how he had exhibited a copy of the notice upon the premises of the club concerned.

I saw Weld look up at him expectantly, as if waiting for something more, and when it became clear that the witness had nothing more to add he rose slowly to his feet to cross-examine.

"The advertisement?" he said diffidently, almost conversationally, in a clear and pleasant voice. "I take it that notice of the application was duly advertised?"

The articulated clerk looked blank, opened his mouth, shut it again, and then glanced down at Matheson with an expression which indicated that he had been taken completely by surprise and expected his principal to rush to the rescue.

Matheson leapt into the breach at once. "No advertisement is needed," he boomed confidently. "This is merely an application for an extended-hours order, not a request for a new justices' licence. My friend here, if he'll forgive me for saying so, is getting confused upon a matter of procedure. I don't criticise him for that, of course. When he's been making licensing applications for as long as I have he'll have all these tiresome technicalities at his finger-tips." He motioned his articulated clerk to get out of the witness-box, and—calling for his next witness—he prepared to get on with the case. The technique was typical of the man, I thought. Faced with a technical point to which he didn't know the answer, he was trying to bull-doze his way out of the difficulty by an airy assumption of omniscience.

But Weld made it apparent at once that he still wasn't satisfied and that he didn't intend to be bluffed.

"With great respect," he said pleasantly, "an application of this nature must be advertised in the public Press. If my friend here will permit me I'll refer him to the page in *Paterson* which sets out the obligation to advertise. I think it's in one of the schedules to the Act." He bent down and attempted to take up Matheson's yellow-bound book, and as he did so I saw a hot flush of blood suffuse the back of his opponent's neck—an infallible sign that he was losing control of his always uncertain temper—and his rejoinder, when it came, was snarled rather than spoken.

"Leave that book alone!" I saw the justices' clerk look up in surprise. "I'm not aware that I've ever accorded my young colleague"—there was a sneering emphasis upon the adjective—"carte blanche to avail himself of the resources of my office library."

"Gentlemen! Gentlemen!" interjected Colonel Manton, from the chair, in a deprecating tone.

"Here, Mr. Weld. Have a look at mine," said Mr. Rose quietly, handing down his own copy of *Paterson*. "Perhaps you'll be good enough to read out the relevant passage to us."

Weld quickly rifled over the pages, and, having found the place he was looking for, began to read a paragraph from one of the schedules. His voice was as assured as ever, with not the suspicion of a tremor in its tone, and the contrast between his quiet flow of words and the snarling interjection that had preceded it was so apparent as to make Matheson's outburst seem even worse than it was.

"I'm afraid you're in difficulties, Mr. Matheson," said Mr. Rose pleasantly, when Weld had finished reading and handed back the book. "The requirements of the Act are quite explicit. An application under Section 9 must be advertised. It's a new statute, of course, and one can well understand how one of your clerks came to overlook such a small technical point." He paused and looked across at Matheson. "What do you say?"

"I must bow to your ruling, of course," said Matheson sulkily. "My own task is merely to present the case to the court, and it would appear that some member of my staff, who should have attended to all the technical details, has let me down rather badly. He and I will discuss that dereliction of duty in due course. In the meantime, however, it would appear that I've no option but to withdraw this application and to come before the licensing justices again at their next session."

"There's no need for my friend to withdraw," said Weld helpfully. "Where, through inadvertence, there has been some failure to comply with a technical requirement, the Act empowers your worships to allow an adjournment for the omission to be put right. If this application were allowed to stand over to the next session there would be no need to serve fresh notices, and the case could proceed subject to the statutory advertisement having been inserted in the meantime."

"When I want an adjournment I'm quite capable of asking for one myself," snapped Matheson. "My friend here"—there

was a heavy and ironic emphasis on the word—"my friend here appears to be labouring under the misapprehension that he's conducting this case for me. I should like to disabuse his mind of that error at once. This is my application, I propose to make it in my own way, and in view of the fact that he's so little confidence in the merits of his case for the objectors that he is reduced to raising a pettifogging quibble, upon a trifling technicality of no real importance, I prefer to withdraw. I therefore proceed no further. My application is withdrawn—abandoned." He slipped a circlet of red tape around his papers and then threw them down pettishly on the table in front of him.

"As you please, Mr. Matheson," said the justices' clerk quietly. "If you withdraw your application, so be it." He turned to his assistant, who was sitting beside him. "Call the next case."

I could see by the expression upon the justices' faces that they thought as little of Matheson's exhibition of ill-temper and bad manners as I did. Instead of conceding, with a good grace, that he had failed to comply with a technical requirement, he had made a clumsy attempt to bluff his way out of the difficulty. When that failed there had been the childish refusal to allow his opponent to use his text-book, and when he had been referred to a convenient peg upon which to hang an application to adjourn there had been the pettish rejection of a helpful suggestion because that suggestion had come from the advocate who was opposing him. Weld, on the other hand, had kept his temper admirably, and appeared to be quite unruffled by the sudden storm that his technical objection had provoked. He was a young man to watch, I thought. He had emerged with credit from his first passage of arms with Matheson, and seemed quite capable of doing so whenever they should cross swords again.

I watched him gather up his papers and begin to make his way out of court—always a somewhat difficult process when the advocates' bench was crowded, as it was to-day. One had to manoeuvre one's body past one's colleagues, and as there was only a narrow space between the long, curving, bench-type seat that ran alongside the table and the edge of the table itself, some physical contact was inevitable. But for Matheson, sitting at the

end, it was an easy matter to get up, to move a foot or two into the gangway which led down to the witness-box, and to allow a departing colleague to pass through. I had seen him do so countless times, usually with a bow and a smile to the person going out, but to-day I saw his body stiffen as Weld came towards him.

I heard the younger man's murmured apology, saw that Matheson didn't intend to move, and then watched Weld squeeze past in front of him, his left elbow projecting over the table. For a second the two bodies touched, and—as they did so—I saw the carafe suddenly topple over and send a flurry of water over Matheson's books and papers and into his lap. It was obviously an unfortunate accident—an accident which Matheson could easily have prevented had he been willing to move aside a little in order to allow his departing colleague to go through.

I heard a strangled imprecation and then saw a crimson-faced Matheson take out a handkerchief and begin to dab furiously at his clothes.

"I'm most dreadfully sorry," said Weld in an undertone. "Here, let me help to dry you out."

"Get away from me!" muttered Matheson thickly. "Get away from me! Get out!"

Weld shrugged his shoulders and then quietly walked out of court. I saw Colonel Manton, in the chair, purse his lips and raise his eyebrows in disapproval. These gratuitous displays of discourtesy on the part of an advocate were extremely distasteful, his face seemed to say. And then, as the applicant in the next case on the list went into the witness-box and took the oath, the buzz of excited comment from the well of the court died down again and the business of the licensing session resumed the even tenor of its way.

It was nearly one o'clock before I got out of court, for my final application was placed at the end of the list and I had seen Matheson deal with the last of his own cases and leave the courtroom twenty minutes earlier. But when I walked out into the corridor I found that Scaton was still there. He was sitting on one

of the benches that ran alongside the wall and was staring fixedly in front of him.

"Hullo, Seaton!" I said cheerfully.

"Hullo, sir!"

"A chapter of accidents this morning, wasn't it? Not like you to slip up on a technicality, though. Still, it's the devil of a job to keep up with all this recent legislation, and I dare say that Mr. Matheson will make allowances for the fact that you were dealing with an application under a new Act."

"Allowances, sir?" Seaton shook his head. "No, he'll make no allowances. Mr. Matheson has sacked me—sacked me on the spot. Did it as soon as we walked out of court. Blamed me, you see, because the notice wasn't advertised." He raised his voice a little, and began to pour out his words with sudden vehemence. "And it wasn't my fault, sir. It wasn't my fault at all. I was away ill, you see, when the notice should have gone in. The governor said that he'd see to it himself. I sent down a list of all the matters that had to be attended to while I was laid up, and the advertising of that club notice was on it. I didn't get back into harness until this morning, and I naturally assumed that the matter had been taken care of. There wasn't time to go through half a dozen sets of papers before coming down to court. In any event, the governor had them with him at home over the week-end, and I only got them out of his brief-case when I met him here just after ten. But he's taken it into his head that I'm at fault, and I can't convince him otherwise."

"He'll get over it," I said reassuringly. "His bark's worse than his bite, you know. He may well have said that he was sacking you, in a moment of ill-temper, but I'm positive that he didn't really mean it. Why, you're as much a part of Matheson and Co. as that old brass plate on the front door. You're part of the fixtures and fittings—part of the goodwill. Hang it all, man! You've been with the firm for fifty years or so. He can't dismiss you for a trifling slip like that—especially when he must know that it wasn't your fault." I took out my cigarette-case. "Here! Have a cigarette. And then I'll take you up to the Queen's Head and buy you some lunch. At two o'clock you can walk back into the office,

as though nothing had happened, and I'll wager you anything you like that the old man will have forgotten all about it. You're making a mountain out of a molehill, I'm sure."

"Perhaps I am, sir," said Seaton, but there was no animation in his voice. "Perhaps I am. But if Mr. Matheson's forgotten what he said to me this morning, I never will. It wasn't so much what he said. It's not the first time he's told me ~~that~~ I'm getting past it, that I'm growing old, that I can't stand the pace. But saying things like that when we're alone together in the office is one thing; blurting them out in front of half a dozen others in the solicitors' room, with that young artiled clerk of ours standing by, is another. And it's more than I'm prepared to stand. The major and I have parted company for good."

"But what do you intend to do? Retire?"

Seaton shook his head.

"Retire? On what, sir? I've next to nothing saved, and a retirement pension doesn't go very far these days. No, I shall have to stay in harness for as long as anyone will have me. If the major doesn't want me after all these years I shall have to find a berth with someone else. I may be getting old, sir, but I don't think there's another clerk in the town—barring Tom Archbold at your place—who's had anything like my experience on the common-law side. And good managing clerks don't grow on bushes, as I've heard the governor say himself. I'll find a place, sir, never fear."

"I'm quite sure you will," I said. "But you may have to go out of town to get one. I don't know anyone locally who has a vacancy just now."

"But I do, sir." Seaton smiled as he said it. "In fact I feel certain that I can get fixed up this very afternoon. I know someone who's been on the look-out for a common-law clerk for weeks now, and he hasn't been able to find someone to suit. The chief clerk down at the registry was telling me about it just before I was laid up. 'There's a good job going at Musgrave's, Bob,' he says to me. 'Suit you down to the ground. If you weren't anchored so firmly at Matheson's you could walk in and collar it

to-morrow.' I asked him what made him say that, and this is what he told me. 'Well, we had Mr. Weld down here on a taxation the other day, and he happened to say how pressed he was and how one couldn't get hold of good managing clerks these days for love or money. Said how lucky Matheson was to have a man like you, and how he'd give his ears to get hold of anyone with half the experience you had.'

"Well, sir, I thought nothing of it at the time. I've been with Matheson's since the day I left school, and I'd hoped to stay there until I dropped. But now, after this morning, I see things differently. If Major Matheson doesn't want me I know someone else who does—someone who'll take me on at once and be glad to have me."

"You mean Weld?"

"Who else, sir?" His face grew thoughtful. "Mind you, it will be a wrench to leave the old shop after all these years. A lot of the clients are going to miss me, and I'll be sorry to leave Miss Laura, I will for sure. She and I have always got on together wonderfully well. She worked under me when she first came into the office, and a nicer girl one couldn't wish to meet. But the major. . . . Well, sir, I know I shouldn't say this to a colleague of his, but I've had to put up with a lot. Perhaps it isn't a bad thing that we've come to the parting of the ways at last. He's a difficult man in many ways is Major Matheson."

"He isn't going to like it," I said. "He isn't going to like it at all. He can't blame you for going elsewhere in view of the fact that he's dismissed you. But when he's had time to simmer down he's going to feel very sorry indeed that he did. Probably thinks that you'll go along and ask him for your job back, and when you don't, he's going to feel very sorry for himself. But have you thought what's going to hit him hardest of all?"

Seaton looked at me enquiringly and shook his head.

"The fact that you're going to Weld. There's no love lost there, you know. You saw how it was in court this morning. Those two are bound to cross swords again, and the fact that he's lost a key member of his staff to a professional rival isn't going to improve the old man's attitude to Weld one little bit." I glanced

down at my wrist. "Great Scot! Nearly a quarter past one! Come on, I'll take you up to the Queen's Head."

As we walked together up South Kemp Street we passed Matheson's office, a detached Georgian house with a faded brick façade. Musgrave's chambers lay directly opposite, and I saw a new brass plate beneath the old one, bearing John Weld's name. The loss of Matheson's managing clerk wasn't going to be made any easier by the fact that he had moved to another office just across the way.

My prophecy that Matheson wasn't going to like it seemed, on second thoughts, to be an understatement. The major was going to hate it like hell.

2

ONE of the advantages of being a lawyer is the opportunity it gives of making friends among one's fellow practitioners. The lay client comes in with his problem, and the solution of that problem usually involves some contact with a colleague on the other side of the fence. Often it means crossing swords with one's opponent in court, and there is no better way of getting to know a man than by having a fight with him. If one finds that he fights fairly, is a good loser, and—what is much more difficult—a good winner as well, a friendship can soon spring up on a foundation of respect for the qualities which make a man an advocate—judgment, quickness of wit, and—above all—good humour.

By the time I had appeared against Weld in half a dozen cases in our local County Court I not only came to know him but learned to like and respect him as well. That he had mastered the difficult art of winning well I soon discovered, for he beat me hands down on each of our first three encounters, and accepted his successes with a quiet diffidence which, for me, took all the sting out of emerging second-best from the battle. Whether he knew how to lose with equal modesty and good temper was less easy to discover, for our other cases were settled in the corridor; but those settlements taught me that he knew how to compromise a case when, in his client's interests, a compromise was called for. The more I saw of Weld—and I saw him almost daily as the weeks went by—the more I grew to like him. And my constant visits to the magistrates' court enabled me to watch, at close quarters, the development of his duel with Matheson.

The major had never been a good loser; even before Weld had appeared on the scene I had often noticed Matheson's face flush purple with vexation when a decision had gone the wrong way, had watched him stalk out of court in a huff because some submission of his had been overruled, and had seen him throw

down his gold propelling-pencil with childish petulance onto the table in front of him when some point had gone against him in the conduct of a case. Now, when more and more often he found himself with Weld on the other side, an opponent to whom he seemed to have taken an instinctive and deep-rooted dislike, his displays of courtroom tantrums became more and more frequent; and whenever the pair of them were known to be opposed the solicitors' room would empty as soon as someone passed the word that their case had been called and that battle had been joined between them. Everyone crowded into court to hear and see the fun, as it was called, though anything less funny than Matheson's grim face it would have been difficult to imagine.

Weld had been having one of those cycles of success that most advocates experience from time to time but which no one can explain: suddenly, for no apparent reason, all one's cases seem to go well from the very moment they are called, one's own witnesses stand up unbroken to the most searching cross-examination, while those of one's opponent crumple up unaccountably and tumble discredited into the traps which have been prepared. For some weeks now Weld had been riding on the crest of one of these exhilarating waves, a good many of his successes had been at Matheson's expense, and everyone seemed to be waiting for the turning of the tide. Every lawyer knows that no advocate can go on winning for ever and realises that every sequence of success will, sooner or later, be followed by a cycle of defeat. 'To-day to me, to-morrow to thee,' is a maxim that most lawyers live by, and a turn of the wheel in Matheson's favour was more than overdue.

"I think his Nibs is going to win a case against Weld at last," said Sievier. We were standing in front of the fire in the solicitors' room one Friday morning, and, as usual, talking a little light legal 'shop' before going into court. "The old boy was in here five minutes ago, before you came in, and if the expression on his face was anything to go by he thinks he's got a cast-iron case."

"A win against Weld is certainly overdue," I said. "The old man hasn't seemed able to put a foot right for the last few weeks. He's gone down on cases that one would have said were home

and dried, his luck's been right out, and it's usually been our young friend who has upset him. What do you put it down to? Is he something quite out of the ordinary as an advocate? Or is he simply having an unaccountable run of luck at Matheson's expense?"

"He's a good advocate, certainly," said Sievier slowly. "He's quick witted, he's fluent, he's a sound lawyer, and he knows how to cross-examine. But if I were asked to put my finger on the one thing that enables him to win so many cases I'd say it was because he refuses to take anything for granted. 'What have the prosecution got to prove to get this case home?' he seems to say to himself. And then he sees to it that they do prove every single point. It's surprising how often just lately the prosecution have slipped up upon some small but vital link in the chain of evidence, and whenever that's happened he's pounced on it like a cat."

"I suppose you're right," I said slowly. "When one comes to think of it, that's exactly what he did on that licensing application when he had his first brush with Matheson. You or I would probably have assumed that all the statutory formalities had been complied with. Weld assumed nothing and upset the old man on a technicality that most people would have overlooked. I saw him do the same thing the other day in that poaching case."

"Poaching case?" said Sievier. "Believe I saw something about it in the *Evening Gazette*. Don't remember the details, though, apart from the fact that the defendant was acquitted. Matheson prosecuted in that, didn't he?"

"He did. And I don't suppose he looks back on the case with a great deal of pleasure. It certainly wasn't one of his happiest efforts. Apparently some youngster went down to Warton estuary at dawn one Sunday for the morning flight, was picked up by dear old Sergeant Slaughter, and the sergeant promptly impounded his twelve-bore shotgun, game-bag, and stock of cartridges, and then reported him for trespassing in pursuit of game. To make matters worse there was one shot-riddled corpse in the game-bag, and the worthy sergeant summoned the criminal not only for trespassing but for shooting a wood-pigeon as well."

"A wood-pigeon?" echoed Sievier. "I thought anyone could

shoot those. Farmers only too glad to get rid of 'em I should have thought. In fact, I think agricultural committees will go so far as to give one a grant-in-aid towards the cost of the cartridges used to kill 'em."

"They will," I said. "But before one may lawfully shoot a wood-pigeon one has to be what the Protection of Birds Act calls an authorised person. The unfortunate young man ~~am~~ telling you about held no authority whatever. Old Slaughter took a look in the bag, saw the bird, got the defendant's admission that he'd shot it, and then asked for production of the authority. When no authorisation was forthcoming, out came the sergeant's notebook again and the boy was booked for that offence as well."

"Looks like a cast-iron case to me," said Sievier. "How did John cope with that one?"

"Well, to begin with he had to convince the magistrates that his client hadn't been trespassing in pursuit of game. I think that he had to concede that there had been a technical trespass during the time the defendant was making his way out into the estuary. His point was that the boy had been out after wildfowl, not after game, and as he hadn't in fact shot any game, or been seen to shoot at any, I suppose there was sufficient doubt about the matter for the justices to dismiss that particular information."

"But what about the wood-pigeon? The defendant must have shot that. After all, it was found in the game-bag and impounded. And if he hadn't the authorisation the Act says he needed then I should have thought that a conviction was inevitable."

"That's just what Matheson thought. He obviously didn't like to see his quarry escape on the ground that he'd been shooting wildfowl instead of game, but he must have felt absolutely certain that he was going to get home on the second summons relating to the shooting of the bird."

"Don't blame him for that," said Sievier. "I must confess that I should have thought so, too."

"Wouldn't we all! The trouble was, though, that poor dear Slaughter is no ornithologist. He'd taken a cursory look into the game-bag, seen a mass of crumpled, shot-riddled feathers, and booked down the bird as a wood-pigeon. When Weld got up to

address the magistrates he asked for the bird to be produced. I don't think that anyone, until then, had even thought of having a proper look at it. Matheson certainly hadn't. I should have thought that he knows a wood-pigeon when he sees one, but in this case he'd merely taken the sergeant's word that that was what it was. When Weld held up the corpse—which was a pretty unpleasant sight by this time—it was as plain as a pikestaff that it wasn't a wood-pigeon at all."

"What was it, then?"

"A green plover! Protected, of course. If the summons had specified the correct bird the defendant would have been out on a limb. As it was, the case against him collapsed because he'd been summoned for shooting one kind of bird whereas in fact he'd shot another."

"Poor old Matheson!" said Sievier, grinning. "It would look, I suppose, on the face of it, as though he didn't know the difference between a wood-pigeon and a plover."

"Exactly! And Colonel Manton, in the chair, didn't make matters any easier by suggesting, in his iciest tones, that it would be a good idea for the future if those responsible for poaching prosecutions took a little tuition in elementary ornithology."

"Poor old Matheson!" said Sievier again. "He seems to have got the bird with a vengeance. But it proves the point I was trying to make a moment or two ago. You or I would probably have taken the identification of the bird on trust. The sergeant says the defendant has shot a wood-pigeon, a bird is found in the bag, *ergo* a wood-pigeon has been slaughtered. But that isn't good enough for Weld. He wants to see the bird, and when he does so it's immediately apparent that it isn't a wood-pigeon at all. That acquittal wasn't luck. It was the reward for putting the prosecution to the proof of every material fact."

"Well, I hope that our young friend is going to be equally fortunate this morning," I said. "With Matheson on the other side the case should be well worth watching. What is it this time?"

"An allegation of sheep-worrying, so I gather. There's been a bad outbreak of it at Warton Hall Farm. Old Helsden, who

farms the place, has lost about a dozen ewes-in-lamb. It's a serious business, as you may imagine. Matheson tells me that the villain of the piece is a white Alsatian that belongs to some old lady who lives alone in a bungalow down Little Warton Lane. Apparently one of the farm hands caught it in the act and Matheson's been asked to prosecute. Seems to think that he's on a winner, as I was telling you earlier on."

"Battle should have been well and truly joined by now," I said. "Let's go into court and watch the fun."

As we walked out of the solicitors' room and into the corridor I caught sight of a yellowish-white Alsatian crouched beside a girl who was sitting on one of the wooden benches that lay alongside the wall. He lay with his muzzle resting between his outstretched forepaws, and he lifted his head and pricked his ears enquiringly as Sievier and I passed by.

"Shouldn't think Matheson will have much trouble with identification there," I said. "Don't think I've ever seen an Alsatian of quite that colour before. How's Weld pleading?"

"Not guilty, so I understand," said Sievier. "Come on, or the case will be over and done with before we get into court."

We arrived in the courtroom to find one of Helsden's labourers in the witness-box with Matheson booming his way through an elaborate examination-in-chief.

"And what was the dog doing as you came into the ten-acre field?" he was asking.

"It were at one of the gaffer's ewes, sir. Had the poor crittur down, it did, and was savaging and tearing at it something cruel. Just like a wild thing it was. Them varmint of Alsations is no better than wolves if you asks me. Wouldn't trust one as far as I could throw him, that I wouldn't. I'm all for Collics, I am."

"The justices don't want a dissertation on dogs," interjected Matheson tartly. "Confine yourself to the facts. You saw this dog, you say, worrying one of your master's ewes. Be good enough to describe it."

"Well, it were in a dreadful state, it were for sure. It were all bedraggled like and besprinkled with blood when I got to it. As I said to the gaffer . . ."

"Is this a description of the ewe or of the dog you're giving?" barked Matheson impatiently.

"Of the ewe, sir."

"Describe the dog, man! Describe the dog! That's the evidence I want of you."

"But you asked me to describe that ewe of ours," protested the witness plaintively. "First you ask me about that great brute of a dog, then in the next breath you ask me about the ewe." He ran his hand distractedly through his grizzled hair. "You've got me proper 'mazed, sir, you have for sure. I don't know whether I be coming or going."

"Don't excite yourself," said the magistrates' clerk quietly. He had no doubt divined that Matheson's brusque treatment of his own witness was making the poor man thoroughly confused. "You've said you saw a dog. Now, just take your time and tell these gentlemen what the dog looked like."

"Well, it were a great brute of an Alsatian, sir. A yellowy-white in colour it was, and, as I said to the gaffer . . ."

Weld raised his eyebrows.

"No, we don't want to know what you said but simply what you saw," said Mr. Rose soothingly. "A yellowish-white in colour, I think you said." His pen raced over his notebook. "Yes. I have that down. Go on."

"It were like a wolf—a great whitish, hungry-looking wolf. I can't put it no better than that, sir."

"And what did you do?" said Matheson, resuming the thread of his examination.

"What did I do, sir? Why, I ran over to it as quick as my two legs would carry me and I broke my stick across its back. If I'd had the gaffer's gun with me I'd have shot it on the spot. Sheep-worriers want shooting, they do for sure. Kill 'em, I say, and ask questions afterwards."

"If you'd concentrate on answering my questions we'd get on very much better," said Matheson wearily. "Well, what did the dog do when you broke your stick across its back?"

"It let go of the poor crittur it had been mauling, let out a horrible howl, and then ran away towards the Warton Road as

fast as its legs would carry it. Well, I hurried off to find the gaffer and he picked up the telephone and got on to Sergeant Slaughter. Half an hour later, Bill—begging your pardon, sir—the sergeant, pedalled up on his bicycle and I took him into the field and showed him what that varmint of a dog had done.”

“And the ewe?” said Matheson. “Was it dead?”

“As mutton, sir,” said the witness, getting in an apposite reply at last.

“Later in the day, at ten minutes past three to be precise, did you accompany Sergeant Slaughter to a bungalow known as Pinfold in Little Warton Lane?”

“I did that, sir.”

“And did you there see a lady known to you as Miss Sidonia Leyburn?”

“I saw Miss Leyburn. Didn’t know she was called Sidonia, sir, but I knew her second name all right. And a very nice lady she is, too.”

“Has she a dog?”

“She has that, sir.”

“Did the sergeant, in your presence, ask to see it?”

“No need. It came bounding to the door behind her. Barking its head off it was, too.”

“Did you recognise it?” snapped Matheson quickly.

“I did an’ all, sir. I’d know that dog in a thousand. There’s no mistaking it. It was the same brute I’d seen in the ten-acre field worrying that there ewe. Yellowy-white it is, as I said before. A big Alsatian. Not the usual brindle colour at all. Why, there’s not another Alsatian with a coat like that for a dozen miles around.”

“Have you any doubt whatever that the dog you saw at Miss Leyburn’s was the same animal you’d seen earlier in the day worrying a sheep in Mr. Helsden’s ten-acre field?”

“Doubt, sir?” The witness allowed his homely features to crease into a grin. “Nay, there’s not a morsel of doubt about it. It were the self-same dog, it were for sure. Same breed, same size, same colour.” He turned to the Bench. “It was the colour as makes me so sure, gentlemen. A yellowy-white, as I’ve said

fore. And where is there a yellowy-white Alsatian within ten miles of our farm apart from that there dog of Miss Leyburn's? here is there one just like it? Aye, I'm sure as I stand here that were the very same dog. I'll take my Bible oath on it."

"You took an oath ten minutes ago," interposed Mr. Rose severely. "It governs every word you've said so far. I hope you understand that."

"I do that, sir. I'm sorry," said the witness, chastened. "I just wanted these here gentlemen to know that I'm sure as a man can be. It were the Leyburn dog as did it."

"Very well!" said Matheson, sitting down to indicate that his examination-in-chief was over.

The witness gave a broad grin of relief, imagining that his ordeal was over, and turned round preparatory to stepping out of the witness-box.

"Just a moment, Mr. Martin," said Weld pleasantly, getting up to cross-examine. "I'm afraid that I can't let you go just yet. I want you to answer one or two questions from me."

The witness swung round again, and his face fell to find that one tormentor had been replaced by another. But Weld soon put him at his ease: he was not one of those advocates who nurse the delusion that the art of cross-examination consists merely of examining a witness crossly. His method was to soothe, to allay antagonism, to lull suspicion, and after two or three minutes of gentle probing, with not a hint of hostility in his tone, he had the witness eating out of his hand.

"The dog, now," said Weld confidently. "As I understand you, you were able to identify it without any doubt whatever?"

"I were that, sir. I 'identified it as surely as I could that old lurcher bitch of mine at home."

"And you could identify it just as surely if you were to see it again?"

"Yes, sir. I could pick it out from a thousand other dogs if I'd a mind to."

"Have you seen it since the day you and the sergeant visited Miss Leyburn's home?"

"To be sure I've seen it. Saw it this very morning in the

lobby outside. Pointed it out to Bill Slaughter as a matter of fact."

Weld turned round and nodded to a clerk standing at the back of the courtroom, and a few moments later the girl I had noticed sitting outside in the corridor came in with the white Alsatian trotting obediently at heel. She moved through the well of the court, and when she reached a point a few feet away from the witness-box she murmured, "Sit!" and the dog immediately crouched down on his haunches beside her.

"Well, Mr. Martin?" said Weld encouragingly, turning once more to his witness.

"That's the very dog, sir," exploded Martin excitedly. "That's the dog that did it. I'd know it anywhere. No doubt about it. I'd stake my life on it."

"D'you mean the same dog you saw in your master's ten-acre field attacking his ewe?"

"The self-same one, sir."

"The dog you and Sergeant Slaughter saw later the same day at the defendant's home?"

"The i—dent—i—cal animal, sir," said the witness triumphantly, carving up the adjective into four syllables for emphasis.

"No possibility of mistake?"

"None, sir! Absolutely none!"

"Very well, Mr. Martin. I'm very much obliged." And with his cross-examination concluded Weld quietly sat down.

Martin left the witness-box, his ordeal over at last, and he was allowed to take his seat on one of the benches in the well of the court while Matheson's next witness was called.

Sergeant Slaughter—florid, running to fat, looking the very archetype of the country policeman he was—stepped importantly into the witness-box. He took up the testament in a hairy, ham-like fist, and raising it high above him he took the oath in a voice that made the courtroom ring.

His evidence, given in the stilted unbroken monotone that led one to suspect that it had been conscientiously committed to memory, was liberally interlarded with the clichés so dear to the official heart. Sergeant Slaughter never went anywhere, he

invariably proceeded; he didn't question, he interrogated; he never asked, he enquired. The magistrates heard how, in consequence of a telephone message received at police headquarters, the witness had proceeded to Warton Hall Farm; how he had there interrogated the witness Benjamin Joseph Martin; and how, in company with Martin, he had proceeded to an enclosure known as the ten-acre field. Then the justices were treated to a harrowing description of the dying ewe, with much circumstantial detail about blood and bite-marks which the sergeant brought out with as much solemnity as if he had been giving evidence at a murder trial. Then there was more proceeding—this time to Pinfold in Little Warton Lane—and an account of the detailed interrogation of the defendant Miss Leyburn.

"Have you seen the dog since, Sergeant?" said Matheson finally, apparently anticipating some cross-examination by Weld upon identification.

"I have, sir. The white Alsatian dog in question, which I saw on the afternoon of the very day on which this here offence was committed at the residence and in the presence of the defendant, is the animal I see in court. It is the animal as was pointed out to me by the witness Martin as the dog he'd observed in the very act of worrying Farmer Helsden's ewe. I see it there, sir." And Slaughter thrust out his right arm accusingly at the dog, crouched quietly in the well of the courtroom.

"Very well!" grunted Matheson, sinking down into his seat.

"No questions," said Weld quietly.

"Then that, may it please your worships, is the case for the prosecution," said Matheson, quickly standing up again.

"This is getting interesting," I whispered to Sievier, who was standing beside me at the back of the court. "I'll lay you any odds you like that Weld has got something up his sleeve. I wonder what it is."

We were soon to find out. Instead of his calling the defendant, as I had expected, the girl who had been holding the dog relinquished the leash to a woman police officer, tripped into the witness-box, and was duly sworn. She quickly disclosed that the dog she had brought into court was hers, that she had owned it for the last

three years, that it had never belonged to or been in the possession of Miss Leyburn, and that on the day the offence had been committed the dog had been all day at Shelton Dog Show, where it had won third prize in an obedience test.

Matheson, his normally pale face suffused with 'an angry flush, got up to cross-examine.

"Why on earth doesn't he throw in the towel?" muttered Sievier in an undertone. "That evidence has killed the case stone dead."

"Because he's a glutton for punishment," I whispered. "His witnesses have been led up the garden path, and well he knows it. But it's made him fighting mad and he's simply itching to hit back."

"Now, ma'am!" barked the major, in his best parade-ground voice. "You say this dog is yours. I suppose you have some satisfactory evidence of ownership?"

"I have the pedigree, the receipt of the breeder from whom I bought him, the registration certificate from the Kennel Club, and a licence. They're all in my name. Would you like to see them?"

She beamed down upon Matheson with a smile of sweet co-operation and made as if to open her handbag.

"Never mind the documents, ma'am. Never mind the documents. You may produce those when I ask for them and not before. This dog of yours, as I understand it, was in the showing at Shelton when this offence was being committed?"

The witness nodded.

"It therefore follows irresistibly, does it not, that it couldn't be responsible for the sheep-worrying incident at Warton Hall Farm?"

"Of course!"

"It must, therefore, have been some other dog—some other white Alsatian?"

"Certainly!"

"It might well have been the dog belonging to Miss Leyburn, the defendant?"

"It might have been but it wasn't."

"What induces you to say that?"

"The evidence of your own two witnesses, who've said quite clearly that it wasn't the defendant's dog. They've both of them testified, in the plainest possible terms, that it was the dog belonging to me."

"But we've established that it couldn't be your dog."

"I know. Therefore your witnesses must be wrong—must have made a mistake. If they can't tell the difference between the defendant's dog and mine they obviously can't tell the difference between her dog and the one that worried the sheep at Warton."

"I want answers, not arguments," growled Matheson. "The justices are quite capable of drawing their own conclusions from the evidence without any assistance from you."

"I was just trying to be helpful," returned the witness composedly. "I was merely attempting to make the situation clear because you didn't appear to grasp it."

"I appreciate the situation perfectly," rasped Matheson. "The magistrates, I doubt not, understand it equally well." He paused for a moment, and then embarked upon another tack. "The position is this, is it not? A sheep is killed by a white Alsatian dog at Warton Hall Farm, and we know from the evidence that the defendant owns the only white Alsatian for a dozen miles around . . ."

"We know no such thing," interrupted the witness crisply. "I know of four within three miles of Mr. Helsden's place."

"You know of four! No doubt you can give the magistrates full details?"

"Of course I can! Mr. Sheraton of Shelton bred all of them. He specialises in white Alsatis, you see. And I know of three people in the Warton district, apart from Miss Leyburn, who've had puppies from him within the last three years."

"And they have those puppies still?"

"Well, they're not puppies any longer, of course. They're all full-grown dogs by this time. You see that, surely?"

Matheson didn't say whether he took the point or not, but he certainly saw defeat and recognised it at last. He sat down heavily and watched the witness step from the witness-box and walk past him into the well of the court.

Weld got up to make a submission, but I saw the chairman glance significantly at his colleagues and then give a quick shake of the head.

"No, Mr. Weld. I don't think we need trouble you. It seems perfectly apparent that no evidence of identification has been given which would enable us to decide, with certainty, that the dog owned by the defendant was responsible for this unfortunate incident at Warton Hall Farm. The case will be dismissed." J

I saw a red wave of colour suffuse the back of Matheson's thick neck, heard the sharp clatter of his gold propelling-pencil as he threw it petulantly down onto the table in front of him, and then saw him jerk himself abruptly to his feet and stamp out, without his customary bow to the Bench, leaving a clerk behind him to collect the papers and other impedimenta that lay on the table in front of his usual seat. The major was having another attack of courtroom tantrums, and I felt that one day the chairman of the Bench was likely to call him back and make it plain that these public displays of ill-temper were becoming too frequent. What a fool the man was, I thought. Every advocate should do his utmost to win every case he handles, but when he loses a case—as he sometimes must—he should be able to accept defeat with composure and good humour. But Matheson had never been a good loser, and to be worsted by Weld seemed to make him more irascible in defeat than ever.

He brushed past me on his way out of court, and as the case I was concerned in didn't seem likely to be reached for at least another ten minutes I followed him out into the corridor and entered the solicitors' room hard upon his heels. He glared at me as I went in, and one look at his face told me that he was on the verge of an explosion.

"You saw that deplorable performance in court, I suppose?" he broke out brusquely. "A fine piece of pettifogging, 'pon my soul! That fellow Weld is nothing less than a trickster—a petty, miserable, quibbling trickster." His voice took on a note of plaintive self-pity. "Of course, some people may say. I'm old-fashioned. Perhaps I am, my dear fellow. Perhaps I am. I was brought up, d'you see, in the belief that the law was an honourable

profession—in the belief that those who practised it were gentlemen. There's nothing honourable about it these days if what I've had to put up with in court just now is a sample of present-day methods. The production of that dog was a trick—a damned, deceitful, dishonest trick. I'm hanged if I see why the magistrates let the fellow get away with it."

"It certainly worked," I said shortly.

"Oh yes! It worked. I'm quite prepared to concede that. The fellow doesn't lack a kind of perverted cleverness. A gift for chicanery is how I'd prefer to describe it. Say what you like, he handled that case in a shabby and paltry way. Every advocate likes to win—of course he does. I like to win myself, and though I'm the wrong person to say it I've had more than my fair share of success. But when I win I like to win fairly, not by these questionable Dodson-and-Fogg tricks that don't deserve the name of advocacy. Advocacy!" He spat out the word with sudden venom. "The fellow doesn't know what the word means. Technical trickery, legal quibbles, shabby shifts and stratagems—anything to prevent the case being decided fairly and squarely on the merits. The man's a bounder. Said as much the first time I clapped eyes on him. If I have much more of it I'll report him to the Law Society, mark my words."

"What on earth for? I can't see the Disciplinary Committee striking a man off because someone criticises his courtroom tactics."

"Oh, it isn't just that." Matheson dropped his voice a little and came a step or two nearer. "Those shabby tricks of his don't stop at what he does in court. That fellow will stop at nothing—absolutely nothing. There was that miserable business of Seaton, for instance, a clerk who'd served me and my father before me for more years than I care to remember. I suppose you've heard that he's gone to work for Weld?"

"Believe I did hear a whisper to that effect," I said guardedly.

"Well, my dear fellow, what sort of conduct is that between fellow practitioners? You know the etiquette as well as I do. A solicitor worthy of the name would be as little likely to rob a colleague of a valued clerk as he would be to pick his pocket.

If a clerk wants to make a change, doesn't know when he's well off and takes it into his head to move from one office to another, by all means let him do so. But for God's sake let the man to whom he goes have a word with the last employer to see if there's any objection. That's how a matter of that sort is managed between gentlemen. But is that what young Weld does? Oh no! He goes along behind my back, subverts the loyalty of a man, I trusted implicitly, and takes him on at a moment's notice without a word of warning."

"I did hear a rumour that Seaton had been dismissed," I said.

"Dismissed!" Matheson forced a laugh, but it was a laugh that lacked conviction. "Dismissed! What a lot of damned nonsense. We did have a few words, Seaton and I, but it was a storm in a teacup—nothing more. He made a shambles of a licensing application, and I ticked him off about it in a mild sort of way. I'd forgotten all about it five minutes later. But it seems that Weld made those few words the excuse to go crawling up to Seaton, behind my back, and persuading him to leave the firm he'd worked for for nearly fifty years." He went to the wall and took down his low-crowned, curly-brimmed bowler and tightly rolled umbrella. "Well, much good may it do him. And much good may it do Seaton, the old fool. I'll tell you this, my boy. In confidence, of course. I had Seaton down for something handsome in my will subject to his still being in my service at the date I drop. He'll forfeit that, of course. And all through his own damned foolishness. Serve him right, I say."

Matheson put on his hat, adjusting it to its usual jaunty angle by means of a delicate two-fingered tap on the crown. Then he hooked his umbrella over one arm and walked towards the door. Just as he reached it Weld came in, and the two men almost collided in the open doorway.

Matheson brusquely brushed past him, giving no sign of recognition, and marched quickly away along the corridor.

"What on earth's biting him?" said Weld, coming into the room and putting down his papers. "He looks extremely hot and bothered."

"I rather think it was a dog," I said.

3

WHEN Matheson had told me that he was thinking of reporting Weld to the Law Society for unprofessional conduct I had construed his words as an idle threat, motivated by personal pique, which he had issued to relieve his feelings but which he would never dream of putting into effect. The construction I had so readily put upon those few sharp words, spoken at a time when he was labouring under a strong sense of grievance, meant that I didn't know Matheson. I knew that he was arrogant, I knew that he was vain, and I knew that the sudden dislike he had conceived for his colleague had become more deeply rooted with every encounter between them. But I had never thought that there was the least likelihood of his making a formal complaint, especially as I knew that no solid ground of complaint existed. It was only when I discovered that he had sent a letter to the secretary of the Law Society, accusing Weld of unprofessional conduct, that I realised that his antipathy had degenerated into real malevolence and that he was prepared to injure his colleague in any way he could.

For some time I had sat on the committee of the local Law Society, and had found that the monthly meetings were rarely productive of much excitement. We fixed the dates upon which holidays were to be taken, made arrangements for the annual dinner, and transacted a variety of routine business ranging from the interpretation of our scale of conveyancing costs to finding some member prepared to take an articulated clerk. I had been elected to a disciplinary sub-committee, charged with the duty of investigating any complaint of malpractice or unethical professional conduct, and so far the appointment had proved a sinecure. During the three years I had served on the sub-committee there hadn't been a single complaint to investigate, and I had come to the conclusion that I would probably go out of office without

ever having been called upon to act. We were a very small flock, after all, and so far as I could see there wasn't a single black sheep in it.

And so it came as a surprise when, at the end of our usual monthly meeting, the secretary asked the members of the sub-committee to stay behind. His request prompted an immediate flow of light-hearted speculation.

"What have you been doing with Prescotts' clients' account?" said Harry Pemberton. His voice held a note of mock severity. "Didn't I see you at the races the other day?"

"Our accountants' certificate went in three months ago," I told him. "We were given a clean bill of health. It must be someone at your place undercutting on conveyancing costs. I've had my suspicions about you for years. Or perhaps it's John here, charged with inveigling some colleague's clients away from him by unprofessional means. If it's either of you two I shall suggest that the papers be sent to London straight away with a strong recommendation for striking off."

"No, gentlemen, it's Matheson," said the secretary, who never wasted words and obviously wasn't prepared to spend time listening to any more of this schoolboy badinage. "He's sent me a long letter of complaint about Weld. I'll read it to you."

I sat and listened to the secretary's dry, matter-of-fact tones as he read out the letter, which was couched in Matheson's most pontifical style. His firm had recently been instructed, he said, to act in the purchase of a cottage in Sangster Street at the price of one thousand pounds. Musgraves—the firm taken over by Weld—had acted for the vendor. On completion, one of Matheson's conveyancing clerks had taken up the title deeds in the usual way, and on going through them subsequently in order to prepare a schedule he had come across a bill of costs. The bill related to the purchase by Weld's client, who had bought as a sitting-tenant only three months before at a price of seven hundred pounds preparatory to the later sale in which Mathesons had been instructed. For investigating the title, preparing and completing the conveyance at the consideration of seven hundred pounds Weld had charged only five guineas. Of that allegation the bill—

a photostat copy of which was enclosed—provided proof positive. The minimum scale fee which Weld, as a member of the society, should have charged amounted to a great deal more.

"It therefore appears to me," read on the secretary, "that there has, *prima facie*, been a gross breach of the society's rules as to remuneration and a most serious violation of the scale of costs to which members have bound themselves to adhere. Such undercutting cannot but have the effect of attracting business unfairly to a firm which is prepared to make such a concession, and I write to request that disciplinary action be taken against the member responsible."

"Five guineas!" John Fenwick looked grave. "There must be some mistake, surely. Charging a little less than the scale fee is one thing—cutting the scale of costs to ribbons is another. I move that we send a copy of the letter to Weld and ask if he's any explanation."

"I'll second that," added Pemberton quickly.

"Agreed!" I said. Much as I disliked doing anything which might injure Weld, the allegation was a grave one and, quite clearly, deserved the most thorough investigation.

"No need!" said the secretary shortly. "I knew all about this bill before it was delivered. Weld referred it to me and I put it before the costs sub-committee. After looking into the facts they authorised him to make a purely nominal charge if he wanted to. The bill here would appear to indicate that he took full advantage of the permission he'd been given."

"D'you mean to say that the bill's in order, then?" said Pemberton.

"In order? Certainly! The position is this. An old granny called Mrs. Cambois had been cleaning the Musgrave offices for the last ten years. Weld kept her on when he took over the practice. A few months ago she got the chance of buying the cottage in which she lived for seven hundred pounds and she instructed Weld to act in the transaction for her. The scale fee, as you know, would have been quite a large one, but she was nearly seventy years old, had lost her husband a short time before, and was far from well placed financially. As you know, the rules

authorise a relaxation of the scale charge in favour of any member of the staff of the solicitor concerned. The point Weld wanted us to clear up was whether an office cleaner, employed for only a few hours a day, was a member of the staff within the meaning of the rules."

"I don't think the intention was to grant a concession to part-time staff," broke in Pemberton. "My feeling is that the rule was designed to cover office staff—those engaged in full-time legal work in a solicitor's office."

"That's one interpretation, certainly," went on the secretary evenly. "However, there's no doubt whatever that an office cleaner is, in one sense, a member of one's staff, and Weld—very properly—referred the matter to me for decision. I put it before the costs sub-committee, and they—in their wisdom—authorised Weld to charge as small a fee as he chose. The decision was influenced, I dare say, by the fact that the client concerned was in poor financial circumstances. Apparently Weld financed the transaction for her, helped her to sell with vacant possession a little later on when she wanted to move out and make her home with a married daughter, and the upshot of it all was that the old woman was able to make a profit of three hundred pounds as a nest-egg for her retirement. The bill somehow got left with the title-deeds when she sold, one of Matheson's clerks came across it, and he took it hot-foot to the major. His Nibs jumped immediately to the conclusion that Weld had been guilty of a gross breach of the society's rules and sent me the letter which is before you."

"I suggest that you send him a copy of Weld's original letter in which he applied for relaxation of the rule and a note of the costs sub-committee's decision upon it," I said. "That should blow his complaint sky-high."

"Agreed!" said Fenwick and Pemberton together.

"Very well!" said the secretary, making a note. "I'll write to him immediately. Mind you, I'm rather surprised that Matheson should have taken up a matter of this kind officially without first having had a private word or two with Weld. If he'd had the decency to go across and see him the position could have been

explained quite simply, there and then, without troubling us to look into the complaint officially."

"I'm not surprised at Matheson, I'm surprised at you," broke in Pemberton. "I'm surprised at you for thinking that one could expect even the most elementary courtesy from that quarter. Everyone knows that the old man has had his knife into Weld since the day he came here. What's behind it all I can't imagine. I know a good deal about young Weld, and he's as sound as a bell in every possible respect."

"Did you know him before he came here?" I said.

"I'd never clapped eyes on him in my life until he came to see me about Musgrave's practice. As you probably know, we act for Musgrave's widow and when the old man died we supervised the running of the practice until it could be disposed of. Well, we had the devil's own job getting rid of it, and just when we were on the point of putting up the shutters and selling the library and furniture piecemeal for whatever they would bring, Weld came along with an offer. Obviously, we had to know with whom we were dealing, and I looked into our young friend's background pretty thoroughly. In fact I wrote to the fellow who'd been employing him as an assistant solicitor, and he told me what a first-class man he was and how sorry he would be to lose him."

"Tell us more," said Fenwick, who had a penchant for getting to know everything he could about local notabilities.

"There's not a great deal to tell, really. Apparently he joined the Army in 'forty, straight from school, and was released six years later. After that he spent a couple of years in various hospitals—I gather that he came back from Burma in pretty poor shape—and then he had three years at Cambridge. When he came down he spent another three years in articles, and after he qualified he worked for five years more as an assistant solicitor."

"One could hardly describe that as a mis-spent youth," said Fenwick lightly. "I hoped you were going to tell us that this paragon had picked up a V.C., commanded a parachute brigade, and knocked off a few hundred Nips single-handed." He sighed longingly. "My God! If only you could have told us that he had a war record like that it would have given old Matheson

something to be jealous about. It would have made him green with envy."

"The old boy did pick up an O.B.E., you know," put in the secretary mildly. "He does rather parade his military background, I suppose, but he did serve in both wars and I'm sure he didn't get that decoration of his for nothing. Matheson has his faults—I'd be the last to deny it—but one must be fair to the man and give credit where credit is due."

"Come off it!" said Pemberton rudely. "I don't believe that Matheson's ever heard a shot fired in anger, despite his clipped moustache, parade-ground voice, and military manner. He never got abroad during the first war, and in the second he did yeoman service as a member of the chairborne division. He got that O.B.E. of his for services in the Judge Advocate General's department. I don't doubt that his work was necessary—that it was valuable even—but when all's said and done he wasn't so much a soldier as a lawyer in uniform. Weld, on the other hand, had a rough time in Burma, and though he's the last person to talk about it I did get to know, from the fellow he used to work for, that he was wounded in action twice."

"All this is very interesting," interposed the secretary, glancing at his watch, "but it's absolutely nothing to do with the matter before us. We've already decided that I'm to send Matheson a letter saying that we've looked into his complaint and found it to be entirely without foundation. I have no other business. What's more, I've a completion in ten minutes' time and I want to clear the decks so that I can get on with it. I declare the meeting closed."

I suppose the secretary sent his letter in the form I had suggested, and although I would have given a good deal to be there when Matheson received it I had to content myself with conjecture about the reaction it had probably provoked. That Matheson would have been seriously displeased seemed certain: it couldn't have been pleasant to discover that what, on the face of it, seemed an unanswerable complaint had fizzled out like a damp squib and resulted in the complete vindication of the colleague against whom the complaint had been made. It seemed equally certain

that the major, balked in this first attempt to score off the man to whom he had taken such a deep-rooted dislike, would renew his campaign against him at the first opportunity.

One of the unhappiest features of any vendetta involving two professional men is the effect it tends to have upon relations between their respective offices. In normal circumstances a spirit of mutual friendliness and helpful co-operation prevails between one firm and another. If one happens to run out of one of the many hundreds of forms that a solicitor has to keep in stock, then one sends a message across to a colleague and asks for the loan of the form one requires against the day that the new stock comes in from the law stationer. Sometimes one needs to refer, at short notice, to a text-book that isn't to be found on one's own shelves, and then a clerk hurries over to the office across the way and borrows the book one requires from a neighbour's library. And it's not at all uncommon for a solicitor who is consulted upon a novel point to telephone a colleague with special experience of the question of law involved with a request for advice and guidance. Most important of all, a solicitor is usually prepared to accept a colleague's undertaking; to supply him, as a matter of courtesy, with copy documents; and generally to treat him as one would treat a friend whose word may be implicitly relied on.

As the weeks went by I soon became aware that Weld's firm and Matheson's were in a state of war. Whenever a client of Weld's had to be sworn to an affidavit he would be brought up to me, although it would have been far easier and more convenient to take him across to Matheson's office, which lay directly opposite. If one of Weld's clerks wanted to borrow a form he invariably came to Prescotts, although Matheson's stock of law stationery was the largest and most comprehensive in the town. We were usually able to help, and Weld never forgot to return whatever forms he borrowed, but it sometimes happened that we found ourselves unable to oblige.

I bumped into Seaton one day in our general office attempting to borrow some printed affidavits of kindred and fortune which one uses in connection with applications for the appointment of a receiver in lunacy. The clerk in charge of our stock of law

stationery was explaining that we had run out of the affidavits ourselves, that we had some on order, and that, until the new supply came in, we were unable to let him have what he wanted.

"I should try Matheson's, if I were you," he suggested. "They do a lot of Court of Protection work, and I feel certain that they'll be able to help you."

"No point in asking there," countered Seaton decidedly. "They wouldn't be likely to lend us so much as a sheet of foolscap, let alone some printed forms of affidavit. I remember sending our office boy across, a month or two ago, to borrow half a dozen forms of specially endorsed writ. We'd had rather a run on them, d'you see, and I found we'd run out of stock. What do you think he came back with?"

"The specially endorsed writs, I should have thought. That is, if Matheson had them."

"He had them all right. No doubt about that. I worked in that office long enough to know. But what the boy came back with was a curt note, in the major's own handwriting, to the effect that he conducted a legal practice, not the business of a law stationer, coupled with the suggestion that instead of trying to borrow forms from him we should do as he did and buy them. I told Mr. Weld, of course. And he gave instructions that no matter how pressing the emergency we were not to approach Matheson's office again. Fortunately, other firms are more obliging, and I can usually get what I want from you, from Newbold's, or from Pemberton's." Seaton's voice took on a graver note. "Mind you, sir, it isn't only this business of the forms. The way Major Matheson had treated Mr. Weld, since the day I joined him, is past believing. Take this business of supplying carbon copy documents, for instance. You know as well as I do that when one firm submits a draft conveyance or a set of requisitions to the solicitor on the other side, the custom is to send a carbon copy of whatever document it is for the use of one's opposite number. One isn't obliged to, of course, but it's a courtesy that's so deeply rooted as to have become a settled convention. Well, matters have reached such a pitch that whenever we receive a draft document from Matheson's we never get a carbon copy. Making

copies for ourselves involves a shocking waste of time, but we've no option but to do it. And when it comes to completing a conveyancing matter it's no use whatever, when Mr. Matheson's on the other side, offering an undertaking to pay off any mortgage there may be—an undertaking which every other firm in the town will accept without hesitation. The major insists on our client's mortgage being discharged on or before completion." Seaton sighed. "It's all very sad, sir. Very sad indeed. For two professional gentlemen to have a difference of opinion, for them to find it impossible to see eye-to-eye, is understandable enough. But to keep a difference alive with a constant succession of petty pin-pricks is plain childishness. Heaven knows how it's going to end."

It seemed, then, that Matheson was firmly committed to his private war against Weld, and I knew that the old man would continue the campaign with all the wrong-headed, stubborn tenacity that was characteristic of him. It seemed likely that the failure of his complaint to the Law Society had whipped up his antagonism to a higher pitch than ever, and the day-to-day friction arising out of the inevitable contact that must occur between two professional offices served to keep the feud at flashpoint. My own feeling was that Weld found this vendetta distasteful in the extreme: whenever anyone mentioned Matheson in his presence and gave him the opportunity of making some comment about his colleague he steadfastly kept his mouth shut. He refused to be drawn. Perhaps he hoped that with the passage of time the duel would die a natural death, but—knowing Matheson as I did—I felt certain that the old man would continue the struggle until he felt satisfied that it had ended with a public verdict in his favour.

So far the battle had been confined to the arena of professional life, and to me its motivation was understandable. For years Matheson had been the uncrowned king of the local courtroom, enjoying a reputation out of all proportion to his ability as an advocate. Suddenly Weld had appeared out of the blue, assumed control of a moribund practice, and within a few short months had contrived to inject it with a new vitality. He was not only

an accomplished advocate but a sound lawyer as well, and his easy and approachable manner—whole hemispheres away from the major's stern pomposity—was calculated to attract clients in ever-increasing numbers. Then there was the question of the war records. Matheson's parade of his military rank, his soldierly brusqueness of manner, the very cut of his clothes, all tended to keep alive the legend that he was a man with a distinguished record in two world wars. But as Pemberton had made plain, that record, when closely examined, meant very little indeed. Weld, on the other hand, for all his diffidence, had been wounded in action twice, and I felt sure that Matheson would have ferreted out the facts and realised that the younger man's record made his own seem insignificant by comparison. This, I felt sure, was another ground for animosity—another reason for believing that the major would stop at nothing to discredit a colleague who had suddenly appeared on the scene and stolen so much of his thunder, legal and military alike.

But the next thrust, when it came, had nothing to do with the two men's professional differences: it was an attempt to carry those differences into the sphere of social relationships and the realms of private life. For years Matheson had been a member of a local club, established in the 'eighties, which the founders had dignified by the name of the Athenaeum. With a membership of no more than fifty and its headquarters in a large neo-Georgian house in Kemp Street, I always considered it as a species of *lèse majesté* to designate this pale provincial shadow of the big stucco building in Waterloo Place with so august and evocative a name. But the Athenaeum it was, and if it lacked the distinguished membership and preoccupation with the arts and sciences of its famous namesake, it more than made up for these deficiencies by the genial, clubbable atmosphere that prevailed within its unpretentious walls.

Membership was confined to the professions, and the place had always seemed to have a strong attraction for solicitors; so much so, indeed, that one of our medical members had been heard to complain that the smoking-room sometimes looked like the headquarters of the local Law Society.

I called in to have a drink one Friday evening and bumped into Harry Pemberton, who was standing at the bar with a large pink gin in his hand discussing, with two or three others, the prospects for the Champion Hurdle at Cheltenham. He called me over as soon as I walked in, bought me a drink, and I soon found myself involved in one of those unprofitable discussions in which everyone seemed to have a different view about the horse which is going to win the race one happens to be discussing.

Later, when the others had drifted away leaving the problem of the big race still unsolved, Pemberton and I began to talk legal 'shop'—the subject we always seemed to come round to—and I happened to mention a running-down case which I had settled with Weld that very afternoon for fifteen hundred pounds.

"Weld!" said Pemberton. "That reminds me. I'm going to put him up for the club. He hasn't been here very long, you know, and I dare say he finds it pretty dull of an evening living in that small private hotel. In fact, I suspect that he often goes back to the office at night for want of something better to do. I suppose I may count on you to second him?"

"I'll second him with pleasure," I said. "He's just the sort of chap we need, and I should think that everyone will be very glad to have him. Get him to fill in a form, you sign it as proposer and send it to me, and then I'll fill in my name as seconder and pass it on to the secretary. I'm really glad he's going to join us. He'll be an acquisition in more ways than one."

"Matheson won't think so," said Pemberton quietly, motioning to George behind the bar to give us another drink. "Matheson isn't going to like it a bit."

"But the old man hardly ever comes here," I said. "Three or four times a year is his limit, whereas Weld is the sort of person who would be likely to use the place every bit as regularly as we do. If Weld becomes a member, as I hope he does, his election won't make a mite of difference to Matheson. In fact, I'll be very much surprised if the old man deigns to notice it."

"He'll notice it all right," said Pemberton quietly. "He'll oppose it, too, or I'm very much mistaken. As you say, Weld's election can't possibly affect the major, who doesn't do much

more in relation to the club these days than pay his subscription and put in an appearance at the annual general meeting. Election for Weld would be another step on the road to general acceptance by most of the people who matter—if it didn't confer some kind of *cachet* on a local professional man I don't suppose that Matheson would be a member himself. And so he'll do his best to prevent our candidate from getting in as part of his general policy of spiking Weld's guns at every opportunity. Still, we'll press on regardless and see what happens." He drained his glass and put it down on the bar counter. "What about another drink?"

A day or two later Pemberton sent me a form of nomination which I signed as seconder and then passed on to the club secretary. Then a notice announcing Weld's nomination appeared on the club notice-board, in accordance with the rules, and remained there until the next meeting of the committee. Matheson came into the club so rarely that it seemed extremely unlikely that he would see the notice before the election took place, and although as the club's honorary solicitor he was a member of the committee, he rarely put in an appearance unless his attendance was specifically asked for. Nevertheless, I knew that the secretary would send him a circular giving the date of the meeting, and when he saw Weld's name on the agenda as a proposed new member I felt that Matheson might be expected to put in one of his rare appearances.

At the Athenaeum there was a ballot for joining members, and when the founders had framed the club constitution some eighty years before it had been provided that two black-balls should exclude. The solemn ritual surrounding these club ballots had always struck me as being an anachronistic and tedious waste of time: the members of the committee sat round a huge mahogany table, the candidate's name was called and he was formally proposed and seconded, and then the secretary went round and issued to each member, in turn, one white ball and one black. Then the secretary went round again with a square wooden box under one arm, presenting it to the committee-men successively, and while he made a parade of averting his head as he tendered the ballot-box, each member popped into a circular aperture in the top of

it one of the two balls he held in his hand. Then the box was presented to the chairman, who took a cursory look inside it and then announced the result of the ballot. So far as I knew a joining member had never been black-balled throughout the club's long existence, the convention being to raise any objection one had at the time the original nomination was made, when—if there seemed to be any ground for believing that the candidate would be unacceptable for membership—he could be quietly and unofficially advised to withdraw.

On the evening of the ballot for Weld I arrived late at the meeting, for I had been detained in the domestic court in a marathon case of cruelty, and I slipped into my seat in the committee-room only a moment or two before the candidate's name was called. I glanced quickly around the table and saw that Matheson, for once, had put in an appearance. He was sitting in his chair, with impassive features and closed eyes, as though he found the proceedings supremely boring, and when Weld's name was announced as a candidate for election it failed to arouse even a flicker of interest on his face.

Pemberton arose to make his formal proposal, I seconded, and then the secretary hurried round the table distributing his black and white symbols of acceptance or rejection. Then the secretary went round again with his ballot-box, and each member, in turn, extended a closed hand to the aperture, dropped in a ball, and retained the second in his other hand.

The ballot-box was handed to the chairman at last: he removed the cover, looked inside it, and then glanced round the table.

"The ballot proves successful," he said quietly. "I declare the candidate duly elected."

The announcement of what everyone had reason to regard as a *fait accompli* provoked no comment whatever. Most people tended to look upon the time-honoured ritual as a redundancy that could quite easily have been dispensed with, and although the formula of 'unanimously elected' hadn't been used the likelihood was that the omission of the adverb had been inadvertent. Certainly the secretary did lean over to the chairman, who said something in an undertone and shook his head, but the exchange

between them might well have been completely unconnected with the candidate's election.

I looked at Matheson, but it was impossible to gain any clue from the way he had voted from his pale, expressionless face. One could only conjecture as to whether he had registered his own personal protest at Weld's election; the archaic procedure at least compelled any dissentient member of the committee to express disapproval quietly so that embarrassment was spared to everyone concerned.

I was conscious of the secretary at my elbow, and I put out my hand and abstractedly dropped into the ballot-box the black ball I hadn't used. My mind was still on Matheson. I heard the succession of faint clicks as the secretary went on his way around the table, and as he passed in front of Matheson I was conscious of the fact that there was no click at all.

Matheson thrust out his hand with an affectation of clumsiness, and—missing the box completely—opened his fingers over thin air. A small ivory ball went bounding away over the polished table top, and, as it did so, the eyes of every man around that table turned towards the hand that had released it.

"My God! It's white!" said Pemberton harshly.

And white it was.

THE writing of what came to be known locally as the poison-pen letters came to my knowledge so gradually that I find it extremely difficult, looking back, to say just when the affair began. It first came to my ears as the merest whisper, upon which hints and rumours were superimposed, until at last—almost without knowing how it had happened—I became aware that someone was conducting a cowardly campaign of vilification against some of the best-known personages in the town.

It was, I think, John Fenwick who mentioned the matter first. In the course of some idle chatter in the solicitors' room at court he happened to mention that one of his clients, an ex-mayor and alderman, had received an anonymous postcard referring to the fact that the recipient had fathered an illegitimate child born to one of his housemaids some five years before. Because the postcard had been sent out unstamped its delivery had necessitated a personal call by the postman, and because the allegation had been set out on the back of a postcard the message had probably been read by the postman who delivered it and the parlourmaid who took it in and paid the surcharge levied upon it. That it had been read by the alderman's wife and daughters seemed clear enough, because Fenwick's client had apparently come in for advice about the domestic crisis that its arrival had provoked.

At the time I attached little importance to the story that Fenwick had told me. The activities of the anonymous letter-writer are by no means unknown to the lawyer, and I thought that the incident was an isolated one which could be safely attributed to the action of someone who bore the alderman a grudge. I suggested to Fenwick that he should report the matter to the police, and—having done this—I promptly forgot all about it.

About ten days later I discovered that the anonymous letter-writer had been at it again. This time the news came from Matheson. I bumped into him in South Kemp Street at twenty minutes past ten one Friday morning as he was on his way to court, and we walked the rest of the way together.

"Damned odd thing happened this morning," he began, in his brusque, staccato way. "An old client of mine came in at half past nine. Insisted on seeing me then and there, although he'd no appointment. It was a fellow I defended four or five years ago. Charge of indecent assault. I thought the case was forgotten—dead as the dodo by this time. But some lunatic must have got hold of all the gory details. God knows how he did it after all these years. At all events, this client received an unpleasant reminder in the shape of an anonymous postcard. The poor devil is nearly out of his mind."

"A postcard?" I echoed, remembering what Fenwick had told me. "Unstamped, I suppose, so that it had to be handed in personally by the postman, and typed in capital letters?"

"It was. The usual technique, of course. And the devil of it was that it was handed in at the place where the fellow works. Don't doubt that half the staff read it before he arrived at the office, and that the other half have been told about it since. Says he'll have to resign, of course. And what makes it worse is that the chap was getting on like a house on fire. Hadn't put a foot wrong since that lapse of his all those years ago. His firm hadn't a clue that he'd been in trouble. Joined them a couple of years after the case was heard and contrived to keep the conviction dark. Now the fat's in the fire with a vengeance. God knows what I can do about it beyond having a word with the police."

"I should have a word with Fenwick as well," I suggested. "A client of his had a similar experience recently, and the letter-writer used exactly the same technique as was used with this client of yours. It's a long shot, I know, but there may be some connection."

A couple of weeks went by, and being far too busy dictating letters of my own to let my mind dwell upon the activities of someone I judged to be a malicious crank, with a chip on his

shoulder the size of a house, the matter gradually faded from my mind. And then just as I had got rid of the last of my clients at the end of a fecklessly busy Saturday morning I had a visit from Sergeant Spence of the Criminal Investigation Department. He told me that Detective-Inspector Drax had detailed him to make an enquiry of every practising solicitor in the town with a view to finding out if any client had been in with a complaint about anonymous postcards.

"Haven't had any clients complaining in here," I told him. "But I think I can give you some help. Mr. Fenwick's been consulted by one victim of your anonymous letter-writer. Major Matheson has had a visit from another. I gather that the technique employed was the same in each case."

"I know that, sir," said Sergeant Spence. "But the gentlemen you mention weren't the only ones. Wouldn't be right to mention any names, of course, but we've had seven complaints in the last month and follow-up cards are coming in every day." He held up his hand and began to tick off the cases upon his outstretched fingers. "One of the aldermen is being pestered with letters about a natural child. A local company secretary has had several reminders, on open postcards, that he's had a conviction for indecent assault. And a well-known choirmaster is getting postcards, addressed to him at church, reminding him that he was cited as co-respondent in a divorce suit three or four years ago. Then there's someone who used to be a popular member of the local football team who has been reminded that he tried to evade customs duty on an expensive camera and two gold watches when he came back from a foreign tour some years ago, a well-known member of the town council who had a separation order based upon a particularly unpleasant form of cruelty made against him at about the same time, and the wife of a prominent local business-man who has received a written reminder about an old conviction against her for obtaining dangerous drugs by means of a forged prescription—a conviction it would have been safe to assume that everyone had forgotten by this time. Finally, there's the dental surgeon who was acquitted some time ago on a charge of assaulting one of his patients while she was under the influence

of an anaesthetic. I've been looking at the old police file, and it looks very much as though the poor fellow was innocent—there wasn't a scrap of corroboration and the woman who made the complaint went into hospital soon after the case was heard, which seems to suggest that she was probably suffering from some form of mental disturbance when she made her complaint. Innocent or not, the case caused the father and mother of a scandal, and very nearly ruined the man against whom the accusation was made. Now, when he's succeeded in living down all the malicious tongue-wagging which went on at the time—the gossip of those who said that there's no smoke without fire—the whole miserable business comes to life again. He's had three postcards within the last fortnight, and it's safe to assume that his receptionist, his secretary, his dental mechanic, and his partner know all about an old scandal that one would have thought was decently dead and buried. It's a serious business, sir, and if we don't get to the bottom of it soon heaven knows who'll be next on the list."

"It's a serious business, certainly," I said. "Have you been able to get any kind of lead?"

"Lead!" The sergeant shook his head. "Not the ghost of one! Inspector Drax and I have gone through the reports with a fine tooth-comb, but we can't find any kind of clue. Usually the identity of the anonymous letter-writer isn't too hard to discover. One simply asks the person who's received the letter if he has an enemy, and ten to one he's able to tell us about the difficult neighbour with whom he's been at daggers drawn for years, or the business rival who holds some grudge against him and would like to do him down. After that one gets a sample of handwriting from the person suspected, and when the handwriting expert gets to work it often turns out that the victim's suspicions prove to be perfectly well founded. But here we're faced with a very different cup of tea. All the postcards obviously emanate from the same source, and it's inconceivable that seven different people, all coming from different walks of life, should have aroused the enmity of one and the same person. No, sir! This isn't the normal case—not by a long chalk. The person responsible here has been choosing his victims at random."

"I agree," I said. "This certainly doesn't appear to be the work of a man who's out for revenge against one particular person. It looks to me like malice, pure and simple, directed at any target available. The interesting feature seems to be that all these local scandals are old ones, based on incidents that have long since faded out of the public mind. My guess is that someone who ought to be receiving treatment in a mental hospital has been looking through some files of long-forgotten newspapers, extracting the names of people concerned in cases involving some kind of moral stigma, and then putting down the more unpleasant salient features on an unstamped postcard. Then he sends it out in such a way as to bring it to the notice of as many people as possible. I don't know how you're going to discover the person responsible, but I'll lay you any odds you like that he turns out to be thoroughly unbalanced."

"He's round the bend all right, whoever he is," assented the sergeant thoughtfully. "Inspector Drax has said so from the start. But you're wrong in thinking that the details of these forgotten scandals have been dug out of newspapers. One of the cases—the choirmaster cited as co-respondent—was heard at least five years ago, and it isn't very likely that a newspaper containing the report would have been kept for all that time."

"Improbable but not impossible," I put in.

"Quite right, sir! But we're satisfied that the writer of these postcards didn't get his material from the Press because some of the cases he's referred to never reached the courts and so, quite obviously, couldn't be the subject of newspaper reports at the time. The footballer who got into trouble for trying to evade customs duty on the camera and watches is a good example of what I mean. There the matter was settled out of court with the Commissioners of Customs and Excise, who accepted a cash payment from the person concerned. They have a discretion, as you know, as to whether or not proceedings should be taken, and because there were a good many mitigating circumstances in the case I'm telling you about a prosecution was never launched. Not a line appeared in the Press. And yet the writer of these postcards knew all the details of something which was settled

privately—of something which never, even at the time, came to public notice.

"Then there's the alderman and his illegitimate child. That never got within a mile of the magistrates' court. I know it's wrong for one of the city-fathers to put young housemaids in the family way—especially when they're married men with families—but I can't deny that the alderman here did the decent thing by the girl. He got her into a nursing home and paid two thousand pounds to settle the case out of court. It was all kept very very dark, as you may well imagine. It must be a bit embarrassing, you know, for a mayor-elect to be served with a bastardy summons as he's walking into the town hall, and the gentleman concerned didn't want that at any price. And so the whole affair was quietly hushed up, and even at the time there wasn't the slightest breath of scandal."

"Perhaps the girl has talked since?" I suggested.

"Not a bit of it, sir. I know who she is. Had to get the information from the alderman, and he gave it readily enough. She's no reason to nurse any hard feelings against the old gentleman, believe me. With the two thousand pounds he paid her she started a small private hotel, she married a couple of years later, and she hasn't looked back since. The child's grown up into a fine boy, and I'll stake my pension that his mother is the last person in the world to rake up something that, so far as she and the boy are concerned, is best forgotten. In any event, she's no connection whatever with the other half-dozen cases, so I think we can safely rule her out."

I would have liked to go on talking to Sergeant Spence, for the case of the anonymous postcard-writer was beginning to stir my interest, but I felt that half past twelve on a Saturday morning was not the most convenient time for a discussion that might go on indefinitely. I wanted to adjourn, as I usually did at the week-end, to the long bar at the Grafton Hotel, and so I told the sergeant that I would let him know if I succeeded in finding some connecting link between the cases he had mentioned and asked him to let me know how he went on with his enquiry. And having seen him out I went out myself for a drink.

I always enjoyed the hour I spent in the Grafton on a Saturday morning, which was my usual way of bringing down the curtain on a week's hard work. The same little coterie always assembled in a corner of the long bar which had become theirs by a kind of prescriptive right and was known to the habitués of the place as Tattersall's Ring. There were usually three or four lawyers, a brace of reporters from the *Evening Gazette*, an inspector of police, a couple of councillors, and a sprinkling of business-men, so that the group represented a cross-section of those who were intimately involved with what was going on in the town. In fact, we usually knew not only what was happening at the time but, more important, what was likely to happen in the future in a good many spheres of local life, so that our Saturday morning meetings were not only enjoyable but valuable as well. The one fly in the ointment, so far as I was concerned, was that occasionally a client would come in, draw me aside, and ask for advice upon some matter that would have been far better dealt with in a formal consultation, with the added advantage that a formal consultation at the office would have meant a fee.

I was just beginning my second pink gin, and listening to one of the councillors who was telling us the names of those who were on the Watch Committee's short-list for appointment to the vacant post of Deputy Chief Constable, when I saw that someone on the fringes of the group was trying to attract my attention.

I repressed a groan. After a hard morning in the office I felt that it was not only rude but downright inconsiderate for a client to trespass like this on the few hours of leisure I had. But I saw that it was Max Lyall, who was not only a very old client but a friend of mine as well, and so I disengaged myself from the group around me and followed him to a table in the quietest corner of the room.

"So sorry to worry you in here," he said, sitting down by my side. "But something cropped up only fifteen minutes ago and I felt that I had to see you at once."

"Fire away!" I said. "I know it must be urgent or you wouldn't have bothered to come in here and find me. What is it?"

He took a postcard out of his inside pocket and passed it to me without a word. I ran my eye quickly over half a dozen lines of typescript which blazoned the record of Lyall as thief and fraud—as someone who had robbed the Revenue of seven thousand pounds.

“When did you get this?” I said.

“About a quarter of an hour ago. It was posted unstamped, you see, and the postman had to pay a special visit to collect the surcharge. But the devil of it is that he handed it in at the hospital—I have the contract for building the new annexe, as you know—and God knows who saw it before it got to me. Shouldn’t wonder if the contents of the thing aren’t all over the hospital by this time. And if it gets to the ears of the Management Committee it won’t do me any good when my tender goes in for the new nurses’ hostel that’s scheduled to go up next year. What I want to know is how the information could possibly have leaked out. The case was settled with the Inspector of Taxes. I paid up every penny—God knows the struggle I had to do it—and now, just when I’m getting on my feet again, someone starts raking up all the miserable mud that I thought had settled.”

“I can’t tell you how it’s leaked out,” I said. “I’ll do my best to find out, of course, and we must have a word with the police. In the meantime I suggest you go and see the superintendent up at the hospital. Tell him that you’re being victimised and persecuted by some lunatic with a grievance and that you’ve placed the matter in the hands of your solicitors. Get him to have a word with the clerical staff and to tell ’em that if they get any more scurrilous postcards they’re to be quietly impounded and kept out of the way until you call to collect them.”

“I’ll do that,” said Lyall. “You’ve no theories, I suppose, as to who might have sent it?”

“None—apart from the fact that the person responsible is almost certainly suffering from some mental derangement. But you’ll be interested to hear that you’re not the only person in the town to have an unwanted correspondent. I know of seven other cases which have been reported recently. It seems obvious that all the postcards emanate from the same source, and you’re just

another victim in what appears to be an organised campaign by some malicious crank."

"But who could have sent it? That's what I want to know." Lyall made no attempt to hide his exasperation. "I was told at the time that when a back-duty case is settled without proceedings the whole thing is handled in a confidential way. Here—look at it how you will—there must have been a leakage somewhere. You must agree on that."

"I do agree," I said thoughtfully, for my client was obviously right. When he had found himself involved with the Inland Revenue authorities a few years earlier for submitting false returns of income there had been a heavy claim for back-duty and penalties, which he had been lucky to settle without proceedings. He had brought his troubles to Prescotts, but because Uncle Chandos acted as clerk to the special commissioners we had been unable to accept Lyall's retainer and we had sent him to see Matheson as a solicitor experienced in back-duty work. "Let's look at the people who were told of your trouble. We knew, your accountants knew, Matheson knew, and so did the Inspector of Taxes. But everyone along the line was under a duty to treat your case on a footing of absolute secrecy, and any breach of that duty would spell professional ruin for the person who broke the rules. We did no more than pass you over to Matheson—someone who's a stickler for the professional niceties and is the last man in the world to open his mouth about a client's private affairs. Your accountant is sound as a bell, and I can't think that the inspector would have made disclosures which could lead to the loss of his job. No, the affair's a complete mystery to me. All I can suggest is that you let me have the card and I'll ask the police to investigate your case along with all the rest. There must be a connecting link somewhere, and if we can find that link then a solution to the mystery should follow."

Throughout the week-end the problem of the anonymous postcard-writer nagged at me with the insistence of an aching tooth. I tried to forget it, and yet time and again I found it forcing its way back into my mind. The one fact which I couldn't get away from was that some of the cases had been settled out of

court, which meant that the only people with knowledge of the facts were the parties themselves and their professional advisers. The parties themselves would obviously be disinclined to talk about matters which reflected discredit upon them, and that a professional adviser should be an oyster about the affairs of the clients who come in to consult him is an axiom that every lawyer lives by.

One tiny connecting link between the cases did exist, but it seemed to be an extremely tenuous one. The unfortunate company secretary who had been convicted of indecent assault had been defended by Matheson, for the major had told me so himself. And Matheson had advised Lyall in his back-duty case when we had found ourselves unable to deal with it. I decided that when I saw Sergeant Spence about Lyall's postcard I would try to find out who had acted in all the cases referred to in the cards which had come into the possession of the police. In order to discover if the connecting link between the cases was to be found in a series of breaches of the strict duty of secrecy imposed by a professional retainer, the first essential was to obtain a list of the solicitors retained. That some solicitor should have talked about his clients' secrets struck me as fantastic, and yet the whole problem seemed so insoluble that I was ready to clutch at the merest wisp of straw.

I saw Spence again on Monday morning and told him what was in my mind. He promised to do what he could to get hold of the information I wanted, and when he came in to see me three days later he handed me a list of the solicitors who had acted for every person who had received a postcard at the time of the incident to which written reference had been made.

"There are eight cases in all, sir, as you see from the list here. Mr. Matheson acted in three of them, but bearing in mind that he's one of the biggest practices in the town and does a lot of advocacy, I don't think the connection can have any significance. He defended the company secretary who was charged with indecent assault, acted for the footballer who got into trouble with the customs officer at London Airport, and handled the back-duty case for your client, Mr. Lyall. He didn't act for the

choirmaster who was cited in the divorce suit, for the councillor in that unpleasant case of cruelty, for the woman charged with obtaining dangerous drugs on forged prescriptions, or for the dental surgeon who was acquitted."

"Who did act for the dental surgeon?" I said, for the sergeant had picked up the list to refresh his memory. "I can't help feeling that he may be a client of ours."

"He is. Your firm defended him, but it was some time ago, of course, and I don't think you yourself were concerned with the case. And it was your firm which acted for the lady who forged prescriptions to get hold of dangerous drugs. I think it was your Mr. Percival who actually appeared in court, but I'm not absolutely sure. The people I saw knew the name of the firm but seemed in a little bit of doubt as to the name of the partner."

"I'll soon find out," I said, picking up my internal telephone. "They're obviously a couple of very old files but we rather pride ourselves on our filing system here and this seems to be a good opportunity for finding out how well it works."

When I heard Miss Trent's voice on the other end of the line I gave her the names of the two clients involved and then settled down to wait until she appeared with the papers.

"Surely you don't mean to tell me that you hang on to a client's papers indefinitely," said the sergeant. "I should have thought that the files in those two cases would have been destroyed long ago. After all, when a criminal case has been heard it's over and done with, and it must be about a million to one against the file ever being wanted again."

"We still have the file in every matter the firm has handled for the last thirty years," I said. "It's long odds against our having to refer to most of them, but the possibility is always there. This enquiry of yours proves it. Fortunately, we've oceans of space in our filing rooms, which are located in the attics on the third floor. And, like most lawyers, the partners here seem to have an invincible repugnance to destroying even a scrap of paper which records the way in which we dealt with a client's affairs." I broke off as Miss Trent hurried in, holding two large manilla folders

in her hand. "Ah! There we are! She's found them! Now for a look inside."

I ran quickly through the contents of each file in turn. As the sergeant had said, we had been retained for the defence in each case. But—and this was a point both he and I had forgotten—in almost every case that comes into a solicitor's office there are two opposing parties and someone is retained on each side.

"That's interesting!" I said at last. "Very interesting indeed. You were quite right in saying that we defended in both these cases. But who do you think was retained for the prosecution?"

The sergeant shook his head. "I've no idea, sir."

"Mr. Matheson. He conducts a lot of prosecutions, as you know, and he was instructed here. We know already that he acted for three of the people who've received these anonymous postcards, and these files prove that he acted against two of the others. That means that his firm was concerned in at least five cases out of the eight on your list. He didn't act for the alderman, but he may have been retained for the mother. He didn't appear for the respondent choirmaster, but he may well have acted for the petitioning wife or the woman named. And although he didn't act for the councillor in the case of persistent cruelty he may have handled the case for the complainant."

"I see the connection," said Spence thoughtfully. "But surely you don't mean that you suspect the major . . ."

"Of course I don't. Where a client's affairs are concerned, Mr. Matheson's as close as an oyster. There isn't a solicitor in the town less likely to talk about professional confidences affecting his clients. But he's the head of a large firm, remember. He employs a big staff. And his firm is a connecting link between five of the eight cases you're dealing with. Some member of his staff—some office-boy, some caretaker, some cleaner even—may have had a look into the files and talked."

"Where do we go from here, sir? I must say that I don't fancy the prospect of facing the major and asking how it comes about that there has been a serious leakage of information about five of the cases that have passed through his hands within the last few years."

"There's no need to face him—yet," I said. "Let's pursue the enquiry a little further. I suggest you try to find out who acted on the other side in the three cases we have left. If it turns out that he was retained in some or all of them, then I think that the connecting link between the cases and the postcards will be sufficiently strong to justify your paying him a visit. He'll be just as anxious to throw some light on the mystery as you are, and although I'm absolutely certain that he'd nothing to do with any leakage himself it may be that someone in his office is at the root of it."

"Very well, Mr. Prescott," said the sergeant. "I suppose we might as well go the whole way. Let me see, now. You want the solicitors for the petitioner in the divorce case, the solicitor who acted for the complainant in the summons for cruelty, and the solicitor who was retained for the mother in the settlement with the alderman."

"That's it!" I said. "And I have the feeling in my bones that I know who that solicitor was already."

It took the sergeant another two days to ferret out the information I wanted, but when he came in to see me again I saw at once, by the look on his face, that he had found his connecting link at last.

"Mr. Matheson!" he said, taking a cigarette from the case I extended to him. "He didn't act for any of the last three people I mentioned when I was in here the other day, but his firm did act on the other side. That means that he was professionally involved in all the eight cases which have been mentioned by the writer of the postcards. It can scarcely be coincidence, I think, in view of the fact that his firm was concerned in every single one. I knew there must be a connecting link somewhere, and it obviously lies in the fact that the same firm of solicitors acted, on one side or the other, in every case that our anonymous postcard-writer has mentioned. I suppose there's nothing for it but to go and see him, but I know very well that he'll bite my head off when I do."

Most members of the local police force, at one time or another, had been cross-examined by Matheson, and his brusque, hectoring

manner usually made a brush with him an experience to be feared. Sergeant Spence, I thought, had probably had the unhappy experience of facing Matheson¹ in court, for the mere thought of paying him a visit in his office seemed to fill him with a despondency that he made no effort to conceal.

"You must certainly go and see him," I said. "But if you'd like me to go with you and lend you some moral support I'll do so with pleasure. He's mentioned the matter to me already, and in view of the fact that Mr. Lyall is our client, and that we passed him over to Matheson and Co. because we couldn't handle that back-duty case ourselves, I think that I'm entitled to ask him about this leakage of information in relation to a client's affairs. Will you make the appointment, or shall I?"

"I'd rather you did it if you don't mind," said Spence. "And if you'd do the talking to Mr. Matheson I'd be very much obliged. I don't think he'd listen very patiently to me. Haven't forgotten the last time he had me in the witness-box. It was the most uncomfortable forty minutes I've ever spent in my life."

And so I—or rather Miss Trent on my behalf—made an appointment with the major, and at three o'clock on the following Friday afternoon, which was the time fixed for our meeting, Spence and I went along to see him.

Matheson, sitting at a massive mahogany table in a large, well-proportioned and comfortably furnished room, made an imposing spectacle. To his right, in an elegant Adam fireplace, blazed a cheerful open fire, and in the wide alcoves, set symmetrically upon each side of it, bookshelves running from floor to ceiling housed a set of leather-bound reports. There were a couple of easy chairs, generously upholstered, in which clients could relax while the major dispensed advice, a magnificent Chinese carpet covered almost every inch of the floor, three fine Cotmans in old-fashioned frames hung upon the walls, and a splendid Crome occupied the place of honour above the chimney-piece. There were no filing cabinets, no deed boxes, no litter of papers to desecrate a room which might well have been a gentleman's private library. In his surroundings, as in everything else, Matheson liked to do things in style.

He waved us to the clients' chairs, offered cigarettes from a silver cigarette-box, and then settled down to listen patiently as I explained the business which had brought Spence and myself to see him.

"So you see, sir," I said at last, "the only connecting link between the eight widely differing cases which have given rise to the sending of these postcards seems to be the fact that you were retained, on one side or the other, in all of them. Naturally, both the sergeant and myself appreciate that any outside reference to the clients concerned couldn't have come from you. Your reticence regarding any case you may have been professionally involved in is, of course, generally known. On the other hand there has undoubtedly been a leakage, and one can't help wondering whether some junior member of your staff—some typist, some caretaker, some cleaner even—has been having an unauthorised look into your files and has afterwards made use of or passed on the information inside them."

"It certainly is damned queer," said Matheson at last, when I had finished explaining my theory. "It's one of the most stringent rules of the office that every clerk employed here keeps his tongue between his teeth and doesn't blab about a client's affairs outside. Every man-jack of 'em knows that if he's guilty of any breach of confidence it means instant dismissal—that he'd be out on his neck at once." He began to gnaw his lower lip in obvious perplexity. "It's damned disconcerting, I will say that. Haven't had a complaint like this since I came into the practice, and that's more years ago than I care to remember."

"I wonder if it would help if you got out the files," I suggested. "At least that would enable us to see whether these eight sets of papers are in their proper places. If someone has removed them it will be a strong indication that we're on the right track."

"You could see the files with pleasure if I had 'em," said Matheson. "The plain fact is that I haven't. It's all old stuff, you see, and with all the pressure there is on filing space we have to sort the wheat from the chaff every five years or so and throw out anything that looks as though it won't be needed again. Probate papers we keep, of course, and conveyancing files as well;

but when a criminal case or a divorce suit is over and done with the documents become so much waste paper, and when we need to make some additional filing space the old stuff goes out for destruction."

"And who's responsible for sorting the wheat from the chaff?" I said. "It's obviously a task that requires a good deal of discrimination. Not the sort of thing, I should have thought, that one could delegate to a junior member of the staff."

"Seaton was," said Matheson. "We haven't had a clearance since he left. When those files went out it would be Seaton who did the sorting—Seaton who would decide what was to go and what was to be kept. Seaton!" His face hardened into sudden malevolence. "I wonder if he's had anything to do with it. It's damned odd, you must admit, for a thing like this to happen within a few months of his leaving."

"I'm sure that old Seaton wouldn't deliberately betray a confidence," I said. "He's been in the law for so long that the habit of secrecy must be second nature. And I can't for the life of me imagine that he'd do anyone an ill turn."

"He did me an ill turn," growled Matheson sourly. "A damned bad turn, in fact, is how I prefer to describe it. He started here as an office-boy, as you probably know, God knows how many years ago. We teach him all he knows, promote him, look after him, until he becomes one of the most trusted clerks in the town. Then just because I tear a strip off him for fouling up a licensing application he gets on his high horse and, without so much as by your leave, he runs off to that pettifogging concern across the way. Since then he's gone out of his way to show his spite in every way he can. God knows how many clients he's persuaded to take their work to Weld or whatever his name is. Mind you, with all the work one has to do these days I don't shed any tears over the damned fools who choose to follow him. If they prefer a twopenny-ha'penny firm like that to a practice such as this—and you know what sort of reputation we've built up over the years—good luck to 'em. I can do without 'em, thank God, and say good riddance."

"I know that you and Seaton have had your differences," I

said diplomatically. "And I think it was a very great pity that his long association with you had to end in the way it did. But I don't believe that the old man would stoop to writing anonymous letters of the kind we're concerned with here."

"I'd believe anything of him," snapped Matheson, "in view of all that's happened during the last six months. And—say what you will—every bit of information on those confounded postcards came out of our files, files for which Seaton was responsible and which he was ordered to destroy. If he'd done his job and seen that they were burned or pulped these postcard incidents couldn't have happened. If you want my opinion I think he's abstracted some of the papers he thought were of special interest and taken 'em home to mull over some of the juicy bits of scandal to be found inside. And then—when we parted company—he probably thought that he could remind one or two local people of the skeletons in their cupboards and so bring 'em here with the complaint that I'd blabbed about their secrets to all and sundry." Matheson ground his cigar butt savagely into his ashtray. "Besides, the old fool's getting senile these days. He must have been mad to throw up his job with me to work for that slippery customer across the way. No—the more I think about it the more certain do I feel that Seaton is behind this business. And if I manage to prove it, then—by God!—I'll make this town too hot to hold him."

"What about getting him over here and seeing what he has to say?" I suggested mildly.

"Seaton! Over here?" Matheson's face flushed with anger. "If that man so much as steps across the threshold I'll have him thrown out. I'll do more—I'll kick him out myself. When he left here he left for good, and I wouldn't have him back inside the place if he went down on his bended knees. See him by all means if you want to, though I dare say you'll find him as slippery as his precious employer. All I ask is that you don't bring him face to face with me."

With Matheson in a mood to dramatise the defection of his clerk to the exclusion of any rational approach to the problem I saw that we should get no further, and after thanking him for what he had been able to tell us Sergeant Spence and I left

him to brood over his resentment and suspicions to his heart's content.

"D'you think that old Seaton could possibly be behind it?" said Spence, when we were safely out of the office.

"Seaton!" I laughed outright. "The old boy's as sound as a bell. I don't doubt that he'll be able to throw some light on the matter. The information undoubtedly came out of Matheson's dead files, and in view of the fact that it was Seaton who sorted them out and arranged for their destruction I shouldn't be a bit surprised if he's able to suggest some way in which part of the papers could have fallen into unauthorised hands. But I'll stake everything I have that he knows nothing of our anonymous postcard-writer, and if Matheson weren't so insanely jealous of Weld I don't think for a moment that he'd have tried to implicate his clerk. Senile and mad! Seaton's as clear-headed as anyone I know. If anyone behaves as though he's going slightly crazy it's Matheson himself, with his fantastic delusions that Weld and everyone connected with him are conspiring to shipwreck his professional reputation."

I think that any doubts that Sergeant Spence may have had about Seaton evaporated within two minutes of our being shown into the old man's room. A man can't be obsessed with hatred and malice without it showing on his face, and a single look at Seaton was sufficient to satisfy any novice physiognomist that here was someone as sound and wholesome as a Cox's pippin.

"Major Matheson is quite right about the files," he said, when I had told him my story. "One doesn't like to destroy documents, however old, because one never knows when they're likely to be wanted. This enquiry of yours proves the point, I think. But the pressure on space over there was so acute that the governor gave orders that dead files that seemed as though they could be safely destroyed were to be taken out and sent away for pulping. I usually had a clearance every five years or so, and the filing-rooms over there must be just about ready for another weeding out."

"The last clearance would be a long time before you left, then?"

"About four and a half years ago at a guess," said Seaton.

"Usually did it during the Long Vacation, when things weren't quite so hectic as they were in term-time. August, generally, was the time I used to do it, when the governor went away on holiday and I had a little extra time on my hands."

"I'd like you to tell me, if you will, what happened to the files you decided could safely be destroyed. I know they were burned or pulped eventually, but I'd be interested to hear how they were dealt with between the time you sorted them out and the moment they left the office building."

"I'm afraid my methods were a trifle rough and ready," said Seaton with a smile. "So far as I was concerned the main thing was to select those sets of papers that wouldn't be wanted again. The dead wood consisted of criminal matters mostly, which were long since over and done with. But I used my own judgment, and if I had the slightest doubt about whether to retain or destroy any particular set of papers I resolved the doubt by keeping 'em. I simply pulled out the unwanted papers from the filing shelves, called out the file numbers to a junior clerk who marked them down in red on the index, and then stacked them in bundles on the filing-room floor. After that Digby, the caretaker, put them into sacks and eventually a lorry came round, loaded them up as so much waste paper, and took 'em away for destruction."

"The caretaker?" I said. "D'you think there's the slightest chance that instead of packing all the unwanted papers into the sacks he put some of them on one side for himself?"

"I can't see Digby doing that," said Seaton, shaking his head. "He acted as caretaker over there for twenty years or so, and I never noticed him taking an interest in things that didn't concern him. I often went back unexpectedly at night, when there was something urgent to attend to, and I never once caught him looking into a file or anything like that. No, I feel certain that Digby isn't your man."

"I see you say that he acted as caretaker," I said. "I take it that he's no longer there?"

"Left about three years ago, Mr. Prescott. Had a flat on the top floor. Used to look after the boiler and see to all the heavy work about the place, while his wife helped to clean the rooms,

brewed the tea, and made herself generally useful. There was a daughter, too, and when she left school we took her on as a junior typist. But she wasn't really up to the work, and when her parents retired she went with them. Can't say I was sorry to lose her, either. Young women these days don't seem able to spell, and poor Eunice was no better than the general run of them. They used to do things differently in my young days. There wasn't a great deal of public money spent on education, and most of us left school on our fourteenth birthday, but at least they did contrive to teach us how to spell and to do simple arithmetic."

"I think the sergeant here would like to have a word with that retired caretaker of yours," I said. "Do you know where we can find him?"

"He's in a little shop in Warren Street," said Seaton. "Don't recall the number but I dare say you'll find his name over the door. Sells sweets and tobacco, if I remember aright, and runs a small paper-round. The business used to belong to a client of theirs across the way. When he died the place had to be sold, and that's when the Digbys took it over."

"Is the girl still living with them?"

"Can't say, sir. She'll be in her twenties now, Eunice will, and she may have got married in the meantime. Though when I come to think of it I wouldn't say that the girl was the marrying sort. She wasn't what one would call a pretty girl—rather the reverse, in fact—and when she was with us she kept herself to herself, as the saying is. Sullen and moody is how some of the staff over there used to describe her, though I dare say her only trouble was that she had a plain face and was painfully shy."

"At all events I'd like to have a look at her," said Spence. "Warren Street, did you say? I think I'll take a walk round there straight away. Are you coming, Mr. Prescott?"

"It's high time I got back to my office," I said. "I'll leave you to have a look at the Digbys' shop by yourself. I wouldn't spend too much time on the parents if I were you. I'd be inclined to concentrate on the girl. We have it on good authority that she can't spell and there were two or three spelling mistakes on one card alone. She used to live in the flat over Matheson's office,

and she'd have the free run of the filing-rooms. What's more, she's worked in a lawyer's office and knows how to use a typewriter. If you add to all that the fact that she's the solitary introspective sort I think she's likely to repay every bit of interest you take in her. In fact, I have the feeling that she's the person you've been looking for."

"I think so too," said Spence. "But finding the person who wrote those postcards is only part of the problem. I have to prove she wrote 'em, and prove it up to the hilt. Still, I'll go along and have a look at her. And if I find she has an old typewriter I'll be more than half-way home. Those postcards were typed on an old machine, and the irregularities in the typescript will be easily matched with the type-face that was used. If I find the right machine the case will be soon sewn up, I think." He picked up his hat. "I'll be on my way, then. And I'll 'phone you later and let you know what I've been able to unearth."

When the sergeant had gone I thanked Seaton for the help he'd given, left him to get on with the work we had interrupted, and then made my way back to my own office to relieve some of the pressure building up on the waiting-room at Prescots. As I walked along South Kemp Street I felt certain that the key to the problem Spence and I had been investigating was to be found at Digby's little shop; my mood was one of complacent self-congratulation at having, as I thought, solved the mystery which had been causing so much agitated fluttering in some of our local dovescotes.

It never for one moment occurred to me that the successful completion of Sergeant Spence's enquiries might have far-reaching repercussions upon the sorely strained relations between Weld and Matheson, and that the solution of one difficulty might have the effect of generating another.

And so, with no misgivings whatever about the long-term effect of what, on the face of it, seemed to be a piece of successful investigation, I went in to do some work. And soon immersed in a variety of problems presented that afternoon by clients as diverse as a doctor cited as co-respondent in a divorce suit and a dock labourer charged with larceny of half a stone of fish, I found

the time pass so quickly that it was six-fifteen before my mind was free to occupy itself with anyone else.

And when I finally pushed back my chair and lit a cigarette I found myself thinking not of Weld or Matheson, nor of the girl I felt sure had written those postcards, but of the bar at the Queen's Head up the street. I went out in search of a drink.

5

WHEN Spence came in to see me on the following day he was enveloped in such an aura of success that the mere tone of his voice as he said good-morning was sufficient to tell me that his problem had been solved at last.

"It's in the bag, sir," he said breezily. "All sewn up. I know who the postcard-writer is."

"The girl in Warren Street?"

He nodded. "You've holed out in one. It's old Digby's daughter, as you thought. She's called Eunice Coreena, though God knows where her parents dug up a name like that. Got the case buttoned up without any trouble at all. Went into the shop to buy a packet of Players, passed the time of day with the old man who came out to serve me, and, in the course of conversation, I said that I'd heard he had a daughter. Well, he's quite a talkative old boy, and he was soon telling me about Eunice Coreena, who happened to be out paying his account at the wholesale newsagents. Inside ten minutes I got to know that the girl owned a typewriter, that she put in quite a bit of typing practice at home to keep her hand in as it were, and that she used to work in a lawyer's office. The girl came in as I was chatting with her father and then I had to put my cards on the table, tell her who I was, and ask if I could have a word with her alone."

"Alone? Surely you didn't see her by herself?"

"No. Barbara Atkinson, one of our policewomen, was with me—in plain clothes, of course. By having a word with her alone I meant a word with the girl without her parents being present. Well, she looked a bit surprised but she took us into what she called the parlour, behind the shop, which I gather she uses when she wants to get away from mum and dad. And there, as luck would have it, on a table beside the window, was the very thing I was looking for."

“The typewriter?”

“Right! An old Remington, brief carriage, which looked as though it might have been a ‘cast-off from Matheson’s. Ten to one her father begged it for her back in the days when she was training to be a typist. Well, I went across, put in half a sheet of paper, and tapped out with two fingers that little bit of jargon about the quick brown fox which jumps over the lazy dog. It includes every letter in the alphabet, as you know, and having taken my specimen of the type I compared it with one of the postcards. I could see at once that my sample and her card had been typed on the same machine. I needn’t bore you with all the points of similarity—the t out of alignment, the o badly worn, the full-stop that punches a neat little hole into the typing paper. The similarities stand out a mile.”

“All the same, you’re going to need some expert evidence from the forensic science lab. I suppose you’ve taken in the machine for examination by now?”

“No need!” said Spence happily. “As soon as the girl saw me take out the postcard, type a sample of the script, and compare it with the typescript on the card, she could see that I was on to her and that the game was up. Burst out crying, and when Barbara—Miss Atkinson, that is—made sympathetic noises, lent her a handkerchief, and gave her a cigarette, I could see that we were well on the way to a voluntary statement. Five minutes later she said she’d like to make one. While she was dictating it to Barbara I began to root around the room, and I soon came across an old deed-box—again, I should think, a relic of the days when her father used to work for Mr. Matheson. I found a lot of papers inside it—old draft conveyances and suchlike—which the girl had probably kept as precedents of how legal documents should be set out. Underneath those were a dozen or so of Matheson’s old files, including those relating to the long-forgotten scandals Eunice has been so busy raking up again. By the time I’d finished listing all the stuff which the girl’s been using—including two unopened packets of postcards, by the way—she was signing the statement with one hand and drying her eyes with the other. Then I ‘phon’d for a patrol-car to take away the

typewriter and all the other stuff. The parents insisted on my moving it to obviate the risk of the girl using it again. A couple of hours later I'd typed out a full report for the D.I. In the morning it will go before the Chief, who'll decide what to do, and that will be that. In the meantime, I'm letting all the people at the receiving-end know that the anonymous correspondent is out of business for good."

"They'll be relieved," I said. "That young woman must have been responsible for some agonising moments for all of them. I suppose there's no personal connection between her and the people to whom she's written?"

"Connection? None! Doesn't know any of 'em from Adam. She's slightly off her rocker, of course. I gather that one of the reasons why her parents gave up the job at Matheson's was so that they could devote more time to looking after her. I'm told that she's always been a moody, introspective sort of person, and when at last she found herself a young man, a couple of years ago, it looked as though her troubles might be over. At all events, her parents say that for the first time she began to behave a little more like the normal girl of her age. Then there was a quarrel over something and nothing, the association ended suddenly, and six months later the man married someone else. After that the rot set in with a vengeance. The girl had what old Digby calls a nervous breakdown, she went as a voluntary patient into the County Mental Hospital, where they gave her shock therapy and treated her with drugs, and when she came back home again she seemed very much better. The doctors apparently felt that it might be a very good thing if she got back into office work—the theory being that a more active life might take her mind off her troubles and give her less time to brood. And so she was encouraged to go back to her typewriter, and while she was supposed to be sitting in the family parlour, working up her speed, she was tapping out the messages that have caused us so much trouble."

"But what about the files? She must have got hold of those before she left Matheson's."

"She explains all that in her statement. It seems that she used to lend her father a hand in the evenings with odd jobs about

the office, and when the dead files had to be taken from the filing-rooms and put into sacks so that they could go away for destruction, the girl sometimes did it for him. Well, it seems as though she picked out a few of the files that seemed more than usually interesting and settled down to read them on the sly. I dare say that they made piquant reading for an imaginative girl who'd led a cloistered kind of life. And finally, after her spell in hospital, she assumed the rôle of anonymous correspondent to some of the people into whose affairs she'd been prying. It's a sad case, really. I've had a word with the mental health officer, who's kept an eye on her since the breakdown, and he seems to think that she'll have to go back into hospital for some more treatment—perhaps for a long time.”

“D’you think there’ll be a prosecution?”

“I very much doubt it. It’s a matter for the Chief, of course. But my own view is that it’s a case of illness rather than anything else, and provided she’s prepared to receive treatment I shouldn’t be surprised if no action is taken.”

When Spence had gone I found myself mulling over all he had told me, and wondering what was likely to happen next. When complaints had started to come in from the recipients of the postcards the police had obviously had to take a hand. The activities of the anonymous letter-writer can sometimes lead to serious consequences, and it had clearly been necessary to trace the source of the messages and to prevent the sending of any more. But, having done that, it seemed pointless to pursue the matter further. None of the victims would want to testify in open court and to see the postcards produced in evidence, a course which would turn the spotlight on old scandals which the persons concerned were all anxious to forget. A prosecution would do little more than turn the full glare of publicity upon those who had good reason to avoid it like the plague. Matheson, if he were wise, wouldn’t want a prosecution either, for it would draw attention to some want of care in the disposal of his confidential files and would tend to upset a great many of his clients considerably. On top of all that, it was not easy to decide what offence, if any, the girl had committed by sending out the postcards.

Writing an anonymous letter is not, of itself, a criminal offence: the postcards the girl had written didn't come into the category of threatening letters, and those I had seen didn't qualify as obscene messages within the meaning of the Post Office Act. It was no doubt possible to launch a prosecution for criminal libel, but to take such an extreme step against a mentally sick girl, who should so clearly be receiving treatment in a mental hospital rather than facing trial in a criminal court, seemed to be akin to using a battery of twenty-five-pounders to crush a walnut shell. And what a lamentable waste of money it would be in view of the fact that the court would merely make a probation order with a condition as to medical treatment; or, if they thought her condition sufficiently grave, a hospital order under the provisions of the Mental Health Act.

Long before Spence came in to tell me what the official view was I had decided that it was heavy odds against a prosecution, and I felt certain that the girl would be allowed to go quietly away to take the hospital treatment which she so obviously required. I had, however, reckoned without Matheson: he, as I soon discovered, saw in the incident an opportunity of striking a blow at Seaton, and so, indirectly, of discrediting the man by whom his old clerk was employed.

My regular visits to the magistrates' court kept me abreast with what was happening: the colleagues I encountered in the solicitors' room, the police officers I met in the corridor, and the reporters and members of the public I saw in the courtroom itself were the means whereby I was accustomed to keep my finger on the pulse of local affairs, and day by day I was able to pick up scattered scraps of information which, pieced together, made up a coherent and comprehensive whole. Almost imperceptibly I was made aware that there would be no prosecution in respect of the postcards themselves, and everyone I spoke to seemed to agree that the decision was a wise and humane one. But from a hint here and a rumour there it was gradually borne home to me that Matheson was being difficult, and that he was exerting all the pressure he could to ensure that the girl was made the subject of a prosecution for larceny.

It seemed that he had got to know about the typewriter, the deed-box, and the dozen or so files that Spence had impounded and removed from the Digbys' home, and it turned out, as Spence had divined, that not only the files but the box in which the files had been kept and the old brief-carriage Remington upon which the postcards had been typed had come from the office of Matheson and Co. Both the machine and the box had apparently fallen into disuse long before Digby had resigned from his post as caretaker; his daughter had begun to use them, and—much later—had taken them away to her new home. And Matheson, coming across what he claimed to be his own property years after it had been removed, insisted that it had been taken away without his knowledge and that the girl should be prosecuted for theft.

Finally I heard that a summons had been issued, and a few days later Miss Trent came in and asked me if I would take the case for the defence.

"How did the Digbys come to mention the matter to you?" I asked.

"I go in there every Saturday morning to pay for the newspapers we get at home. Mr. Digby delivers them, you see, and when I call in to see him we usually have a chat. Well, he told me something of the trouble he'd been having with that poor girl of his, and when I was in the other day he showed me the summons and said that he was almost at his wits' end with the worry of it all. He knows I work in a lawyer's office and he asked me what I thought he should do. Well, naturally I told him that I couldn't possibly advise him about the case itself but I did suggest that he and his daughter should come in and see you. I felt certain that you'd be happy to help them."

"I'd like to help them very much indeed," I said. "The fact is that I don't think I should. One of our own clients was involved, you see, and that rather puts me on the opposite side of the fence. In fact, between ourselves, I spent a good deal of time with Sergeant Spence upon the enquiries which resulted in the discovery that the girl had been writing those anonymous postcards you've probably heard about. I think it would be quite wrong to act against her at one moment and then find myself defending her

at the next. No, the girl needs help and advice all right, but I don't think it should come from me. I suggest that you slip over and have a word with Mr. Weld, tell him how I'm placed, and ask him if he's prepared to act. The girl will be in good hands if he defends her, and Seaton—who works over there—knows the background to the case already like the back of his hand."

When I saw Miss Trent that afternoon she was able to tell me that she had mentioned the matter to Weld, that he had promised to appear for the girl on the hearing of the summons, and had made an appointment to see her on the following day. Once I knew that arrangements had been made for the girl to be represented I awaited the outcome with an easy mind. I had seen the voluntary statement and it seemed abundantly clear that the files were the property of Matheson and Co. and that the girl had had no authority to remove them from the office. The typewriter and deed-box were so old as to be of negligible value but were presumably worth something, and if the girl had removed and retained them without permission then it seemed to me that a conviction for larceny might well be justified. I thought it likely that there would be a plea of guilty, that whoever appeared to prosecute would do so with the soft-pedal pressed firmly down, and that the magistrates would need little persuasion to treat the defendant with all the clemency they possibly could. The making of a probation order with a condition as to medical treatment was, I thought, the way in which the case would end, and I said as much to Miss Trent on the morning of the hearing.

"But she's pleading not guilty, sir. Mr. Digby said so when I called in the shop the other day. What's more, he says that Mr. Weld is quite confident that his daughter will be acquitted."

"I hope she is," I said. "And, between ourselves, I can't see the Bench viewing this case with a very friendly eye. The property is worth next to nothing, the girl's mentally ill, and the whole thing happened so long ago that one might have thought it would have been left buried in decent obscurity. On the other hand it looks, on the face of it, as though the taking, particularly of the

typewriter, does add up to larceny. Whatever happens, the girl's nothing to worry about. I respect Mr. Weld's opinion, of course, but on the facts as I know them I can't help thinking that he may be over-optimistic. I'm going down to court myself this morning to defend young Darwen in that case of dangerous driving. I expect that the justices will divide, and that the Digby case will be taken in the first court while the driving prosecution goes on in the retiring-room. Let's hope that I finish sufficiently early to get into the other court to have a look at Mr. Matheson. I've seen him appearing as an advocate often enough, but this will be the first time I've ever heard him as a witness in all the years I've known him."

I walked into the solicitors' room just before half-past ten, and, as usual, found Matheson holding court in the presence of one of his colleagues and a couple of clerks. He was half-way through what I took to be the first cigar of the morning, and was rattling away with all his customary verve to the admiring trio around him. But it seemed to me that his gaiety was somewhat forced, and I suspected that he didn't very much relish the prospect of appearing as a witness in the court in which he had so often pleaded as an advocate. As someone who had occasionally been called on to give evidence myself I could sympathise with anyone who had to exchange the advocates' table for the witness-box. As an advocate one fires the bullets; as a witness one stands there to be fired at; and if one is accustomed to operate at the firing-point it often proves disconcerting, and indeed dangerous, to be moved into the target area.

The magistrates doing duty that day divided into two courts: some of the justices remained in the retiring-room to hear three motoring cases, mine included, and the remainder trooped into the courtroom proper to deal with the rest of the list. The case of dangerous driving in which I was retained to defend was placed after a couple of summonses for driving without due care and attention to which the defendants were pleading guilty, and during the interval which elapsed before my own case was reached I was able to remain in the courtroom to watch the opening stages of the prosecution in which Matheson was concerned.

The Chief Constable, who appeared to prosecute, opened the case shortly, and then Matheson, the first witness, was called into court. He strode in confidently enough, entered the witness-box, gave his customary bow to the Bench, nodded to the justices' clerk, and then took the oath without glancing at the card as if to demonstrate his knowledge of all the formalities. His evidence-in-chief was short and extremely simple. The defendant's father had been employed by him as a caretaker and for some years had occupied, with his wife and daughter, a flat on the top floor of his office premises. The Remington typewriter, which he identified, was his property, the serial number corresponding with that on an old policy of insurance which covered his entire office equipment. The deed-box also belonged to him, and still bore the name of the deceased testator whose papers it had once contained. The files were likewise his and held confidential papers relating to cases in which he had been professionally retained. The property was valued at five pounds, and no one had had any right to take and carry it away.

Weld got up to cross-examine, and when he asked his first question his quiet almost conversational tone contrasted sharply with the loud staccato voice in which Matheson had given his evidence-in-chief.

"The files, Mr. Matheson. Those, I think, are of no intrinsic value, relating as they do to cases which have long since been disposed off?"

"Can't put any value on 'em in pounds, shillings, and pence, if that's what you mean. But they're of value to me and of importance to the clients concerned."

"But you don't keep files for ever?"

"No, of course not!"

"And the files produced in evidence had been taken out of the filing shelves and earmarked for destruction?"

"It's possible."

"If I called Mr. Seaton, who was formerly your clerk, to say that he was deputed by you to select a large number of files to be destroyed, and that those he selected included the ones produced in evidence, would you be prepared to contradict him?"

"Don't know what Seaton selected. How could I? Matters of routine of that sort I left entirely to him."

"So that on the question of whether those files were to be thrown out the word of Mr. Seaton would appear to be decisive?"

"If the magistrates accept it."

"Can you think of any reason why they should not? He was sufficiently trustworthy, was he not, to be employed by your firm in a confidential capacity for something like fifty years?"

Matheson grunted a reluctant assent.

"And what would have happened to the files if the defendant hadn't removed them?"

"I should think that's obvious. They would have been burned or pulped—destroyed, in other words."

"And I put it to you that when they were taken from the shelves and thrown onto the floor of the filing-room, as I suggest they were, they had been abandoned as so much waste paper preparatory to destruction."

"I don't agree!"

"Very well! I turn now to the typewriter, the Remington. It's a very old machine, is it not?"

"It's certainly not a new one."

"Will you take it from me that a comparison of the serial number with manufacturing records shows it to have been put on the market in nineteen hundred and ten?"

"If you say so. I'm a lawyer, not a typewriter mechanic."

"When was the Remington last used for the purposes of your practice?"

"How can I possibly answer that? I don't concern myself with such matters as office machinery. I leave that to my managing clerk."

"Who, at the time we're talking about, was Mr. Seaton, the clerk I've already referred to?"

"I suppose so."

"If Mr. Seaton were to tell the court that this machine was withdrawn from active use some twenty years ago, was in such poor condition that no dealer was prepared to put a trade-in value

upon it, and that it was stored away in one of your attics upstairs, what would you say to that?"

"I wouldn't presume to challenge Mr. Seaton, of course," said Matheson with a sneer. "But the oldest machine has some value—call it scrap-value if you like—and that machine is property capable of being stolen, as it was stolen by your client."

"Whether it was stolen by my client or not is surely a matter for the magistrates," said Weld quietly. "Now, as to the deed-box. Again an article which is extremely old?"

"Certainly!"

"Of little intrinsic value?"

"No doubt! But of some value nevertheless. Of sufficient value, apparently, to make it worth your client's while to take it away and keep it for herself."

"Of a value so small as to make it a matter of indifference whether you gave it away or not?" suggested Weld.

"I never gave it away," said Matheson crossly.

"Possibly not. But who in your office would have authority to dispose of odds and ends that had outlived their usefulness?"

"Matters of that kind would be left to my senior managing clerk."

"And he, at the time we're talking about, would be Mr. Seaton, would he not?"

"He would," said Matheson. "And if, as I suppose, you're going to tell me that Seaton gave that old deed-box away, my answer is that he never sought my permission to do it."

"But you told the court, a moment or two ago, that he had a general authority in matters of that kind. No permission would be needed, surely?"

"He should have consulted me nevertheless."

"But you said, a moment ago, that trifling matters of that sort would be left exclusively to a clerk. Now, sir, were you, as the head of a large practice, prepared to make personal decisions about bits and pieces of worn-out office furniture that had been relegated to a lumber-room?"

"Of course not! I thought I'd already made that sufficiently clear."

"So that if Mr. Seaton says that, he told the defendant she

could have the deed-box he would be acting within the scope of his authority?"

"If," echoed Matheson, 'with a heavy and ironical emphasis on the word. "If. He may well say now that he gave her the box. I certainly don't accept that he told her so at the time."

"You challenge Mr. Seaton's honesty, then—the honesty of a man employed, as I've said, in a confidential capacity by your firm for something like fifty years?"

"I challenge the accuracy of his recollection," countered Matheson. "I'm saying that at his age one's memory tends to go to pieces—that one becomes—how shall I put it?—generally unreliable in memory and judgment. Senile, perhaps, is the word I have in mind."

"Senile? At sixty-five? Come, Mr. Matheson! You can't mean that."

Weld glanced significantly at the Bench before him. Colonel Manton, in the chair, was nearly seventy, and it was clear from the expression on his face that the witness's views as to the age at which senility sets in found little favour in his eyes.

"But I do mean it."

"Am I to take it, then, that three years ago, when you were employing Mr. Seaton in the management of your clients' affairs, he had gone to pieces, as you put it, and that his memory and judgment were not to be relied on?"

"He can't say 'yes' to that one," whispered Harry Pemberton, who had joined me at the back of the court. "If he does he'll be admitting that he left his clients' concerns in the hands of an incompetent old ninny, and I don't believe he's fool enough to go as far as that."

Matheson, forced into a corner, wasn't prepared to take the matter any further. While he stood there, biting his lower lip, obviously considering how he was going to extricate himself from the difficulty in which the question had placed him, Weld quietly sat down. The witness, left suspended in mid-air, was allowed to leave the witness-box with the last question unanswered, and made his way into the well of the court looking thoroughly out of humour.

The rest of the case for the prosecution went on oiled wheels. Sergeant Spence told the court how, in consequence of a complaint, he had gone to the defendant's home in Warren Street, and had there found her in possession of the typewriter, files, and deed-box produced as exhibits in the case, after which Policewoman Atkinson was called to corroborate. Neither said a word about the anonymous postcards, which were not the subject of the complaint before the court and were therefore quite irrelevant to the charge of larceny. Vindictive as he was, Matheson himself was the last person in the world to want any reference to the fact that a number of confidential documents had been used by the defendant as a means of raking up long-forgotten scandals in which his clients had been concerned, and I felt sure that had there been any attempt by the prosecution to fog the isolated issue of larceny with these extraneous matters, Weld would have raised a strong objection.

The Chief Constable closed his case, and Weld got up to call the evidence for the defence. Seaton, his first witness, came into court, and his sprightly step as he walked to the witness-box, his firm voice as he took the oath, and his manner—at once alert and composed as he turned to face the magistrates—all belied the aspersions that Matheson had cast upon him in the course of cross-examination a few minutes before.

Seaton's evidence was short but decisive. He knew the defendant well as the daughter of the man who had acted as caretaker at Matheson's office until three years before. Some time prior to leaving this employment Digby had asked for directions regarding the disposal of a large quantity of odds and ends of office furniture and equipment which had accumulated in an attic used as a lumber-room. The attic had been urgently required to provide additional filing space, and it had been necessary to get rid of the rubbish that had been stored there for so long. The contents of the attic had been disposed of to a salvage collector, but Digby had asked if he might retain an old Remington typewriter for his daughter, the defendant, who at that time was taking typing lessons at night-school. He had also asked if he might retain an old deed-box so that the girl might have somewhere to keep her typing

paper and text-books, and to both these requests he, Seaton, had readily agreed. The deed-box was an old and battered one, with a broken lock, and was not fire-proof. It had long been discarded as unserviceable. The typewriter had previously been offered to a dealer, who had refused to make a bid for it in view of its age and condition. The witness had therefore given both the Remington and the deed-box to Digby, and—while not prepared to be absolutely definite about it—rather thought that he had obtained the specific approval of his principal before doing so.

So far as the files produced in evidence were concerned, they formed part of a number he had taken from the filing shelves and selected for destruction. It was within his knowledge that the defendant had been deputed by her father to put the dead files into sacks as so much waste paper, and once the files had been stacked on the filing-room floor it would have been a reasonable assumption that they had been discarded as being of no further use to the firm.

There was little on which the Chief Constable could cross-examine, but in order to make some semblance of testing the evidence he got up and put one or two perfunctory questions.

“You are saying, then, that once these files were taken from the shelves they were, in a sense, abandoned?”

“I am, sir. Abandoned, that is, so far as the firm was concerned. From the moment I selected them for destruction they became nothing more than a collection of waste paper.”

“And yet the defendant apparently chose to retain a number of them for some purpose of her own?”

“Quite so! I find that perfectly comprehensible. The girl, you see, was training to be a typist. A little later on, in fact, she entered the service of the firm in that capacity. And a collection of legal documents provides a series of precedents, as it were, for someone who is learning how such documents are arranged and set out.”

There was no re-examination, and as Seaton stepped out of the witness-box Weld called for the defendant. But as she was making her way to the front of the courtroom I saw Colonel Manton turn to his colleagues, there was a quick colloquy between

them terminating in emphatic nodding of heads, and as the defendant prepared to take the oath the Chairman made a gesture indicating that she might put down the Testament.

"I don't think that we need trouble you further, Mr. Weld. In view of the evidence so far adduced before us my colleagues and I feel satisfied that we would not be justified in recording a conviction against your client. Indeed, I think it would be right to say that the evidence of Mr. Seaton would seem to exculpate her completely. The case is dismissed."

"As your worships please," said Weld quietly. I saw him sit down and scribble a minute of the decision on the backsheet enclosing his papers. Then he rose to his feet, bowed to the Bench, and made his way out of court. The prosecution, so largely inspired by Matheson, had fizzled out miserably, and the case had collapsed largely as a result of the evidence given by his former clerk.

I glanced across at Matheson. As someone who had practised as an advocate for so long he should have learned, by now, to keep his feelings under firm control. But the older he became the less did he seem able to choke down the ebullitions of bad temper which tended to burst out whenever a decision went against him. He had never been a good loser, and now, at the summary dismissal of proceedings in which he had been so intimately concerned, he made no attempt to hide his anger at the turn events had taken.

He got up and moved forward until he reached the bench behind the Chief Constable, and then he leaned over and began to pour out a rapid torrent of words, some of which must have been plainly audible to the members of the Bench sitting only a few feet above him. He was obviously demonstrating his dissatisfaction with the decision, and his excited intervention, which continued despite the Chief Constable's whispered efforts to restrain him, made it impossible for the business of the court to proceed.

I noticed Colonel Manton tapping impatiently with his pencil on the leather-covered table in front of him, and when this failed to quell the disturbance he rapped sharply three times, and intervened decisively.

"Mr. Matheson!"

Matheson broke off suddenly and looked up, his face still red with vexation.

"Mr. Matheson! My colleagues and I are waiting to deal with the next case on the list. It should not, I think, be necessary to remind a solicitor of the Supreme Court who is accustomed to the conventions of the courtroom that we are unable to do so while you are carrying on a private conversation with the Chief Constable. My colleagues and I will be obliged if you will defer the continuation of that conversation to a more convenient time. If the matter under discussion is of such importance that it will not brook delay then pray continue it outside." He leaned forward towards the justices' clerk. "Mr. Rose! Be good enough to call the next case."

I saw a wave of crimson suffuse the back of Matheson's bull neck, and I felt well able to understand his feelings. In the cut and thrust of a courtroom encounter it is by no means uncommon for an advocate to provoke some adverse comment from the Bench, but this studied public rebuke, delivered in the Chairman's iciest tones, was something whole hemispheres away from the usual rebuke of a mildly irritated magistrate. Most advocates are firm subscribers to the aphorism that one should never quarrel with one's Bench, because if one has a good case one doesn't need to, and if one has a bad case one can't afford to. Here, at the conclusion of a case which he hadn't been presenting, Matheson had antagonised the court before which he regularly appeared as advocate by a childish exhibition of tantrums and discourtesy, and had received a public rebuff that he thoroughly deserved. I knew that it would be no easier to bear because he had earned it, and the fact that the magistrates usually allowed him a great deal of latitude must have made the sudden injunction to behave himself strike home with something like the impact of a blow. I saw his hands clench convulsively together, and for a moment I thought there was going to be a public clash. But at last, with an obvious effort, Matheson contrived to choke down the angry explosion I expected, and without the conventional bow with which a lawyer is expected to take his leave of the courtroom, he turned on his heel and strode angrily out.

From the day that the magistrates dismissed the Digby case I knew it would be war to the knife. There was deep antagonism already, which had been steadily growing since Matheson's first passage of arms with Weld before the licensing justices; but I had always held firmly to the view that this was something which would simmer down with the passage of time. Now I was compelled to change my mind.

Hitherto, Matheson had affected to treat his rival with indifference, ignoring him in the solicitors' room and walking past him in the street as though he didn't exist. And whenever the name of Weld had cropped up in casual conversation the major had evinced no interest beyond giving a deprecating sniff and perhaps making some slighting reference to 'that fellow across the way.' Now he began to talk against the younger man to anyone who was prepared to listen, and those who incline to the view that the most inveterate gossips are old women can have no first-hand experience of the garrulity of lawyers, most of whom are capable of gossiping the most talkative old woman into a cocked hat. In the solicitors' room at court, in his office, at his club, Matheson never lost an opportunity of getting at Weld, even contriving to make his increasing run of courtroom successes a target for adverse criticism. And one or two of the major's younger colleagues soon got into the habit of deliberately introducing Weld's name into conversation simply to enjoy the spectacle of Matheson rising to the fly.

I was in the club one evening having a drink with Harry Pemberton, when Matheson—who had begun to frequent it much more frequently since Weld's election than he had ever done before—walked over to the bar and joined us. By the time he had two glasses of whisky inside him and a third one in his hand he was chatting away in his usual fashion until, without quite realising how it had happened, I found that the conversation had drifted round to a tedious discussion of the Bourne case, in which Matheson had been retained for the defence some twenty-five years before. No one doubted that the trial of Ruby Bourne for the murder of her lover had been one of the most famous criminal cases of the century. Three or four books had been

written about it, every five years or so there was a rehash of the story in the popular Sunday Press, and Ruby had achieved something like the same notoriety as Dr. Hawley Harvey Crippen. But when Matheson talked about the Bourne trial, he rather than Ruby became the central figure in the drama. Every lawyer in the town knew by heart how Matheson had been entrusted with Ruby's handbag, and how he had successfully pleaded that it was privileged from production when called to give evidence at the committal proceedings on Crown Office sub-poena. Everyone had heard *ad nauseam* about Matheson's clash with the D.P.P. regarding the late service of notice of some vital additional evidence, and about the brush he had had with the Attorney General during the jury's seven-hour retirement. I could have repeated verbatim what Mr. Justice Jalland had said about Matheson in the course of his summing-up, what Ruby had said about him immediately after her acquittal, and what the President of the Law Society had said to him in a congratulatory telegram. 'You have conducted the case in accordance with the highest ethical standards of the profession.' It was Matheson, Matheson, Matheson all the way, from the day Ruby had retained him until the moment she had left the dock. And for twenty-five years Matheson had been telling and re-telling the story to anyone who could be prevailed upon to listen, so that the name of Ruby Bourne had become something of a local byword as the hobby-horse that Matheson had long since ridden to conversational death.

"Very interesting indeed, sir," said Pemberton gravely, as Matheson wound up yet another recital of how he had disimpaled himself from the horns of his professional dilemma about Ruby's handbag. He turned towards the bar, winked at me over the top of his empty glass, and put it down on the bar counter. "We'll have the same again, George." He turned towards Matheson. "Of course, sir, a case like that crops up only once in a lifetime. I'm afraid that it's a far cry from a murder trial to a case of careless motoring, and yet, you know, it's the motoring cases that help to pay the rent."

"To be sure, my boy! To be sure!" boomed Matheson genially.

"We can't all be lucky enough to be retained in one of the cases of the century. And I don't mind admitting that I've never disdained the humble motoring case myself. After all, it must be about a million to one against a client committing a murder, whereas it's odds on that any client with a motor-car will fall foul of the police sooner or later and need some professional help. And there's plenty of scope for ingenuity, you know, in defending cases of driving dangerously or without due care and attention. I've obtained some extraordinary acquittals, in my time, in cases that looked absolutely hopeless."

"I'm sure you have," said Pemberton, giving me another surreptitious wink. "It's amazing what one can do with something that looks, on the face of it, to have no merits whatever. Take that case I was listening to this morning involving a fellow who'd been summoned for failing to observe a halt sign. Three independent witnesses saw the defendant drive across a busy junction with the lights at red against him. One would have said, at the close of the case for the prosecution, that a conviction was inevitable. And then I'm hanged if Weld, who was defending, didn't call evidence to the effect that the halt sign was three inches above the regulation height."

"Weld?" echoed Matheson sharply, his expression changing at once. "Weld, did you say? What happened?"

"Well, the magistrates had to acquit," said Pemberton. "Don't suppose they wanted to, but they hadn't much choice. It was quite apparent that the defendant had flagrantly disobeyed a traffic sign, but as the sign itself wasn't in conformity with the regulations they'd no option but to let him go. It just shows you that one should approach any case on the basis that nothing is to be assumed—nothing taken for granted. I must admit that in the case I'm talking about I should have advised the client to hold his hand up and to plead guilty. But Weld, who has the nose of a witch-doctor for scenting out the one weak link in the case for the prosecution, had the happy inspiration of taking a look at the traffic sign and so discovering that the lights were set three inches too high. And his client went scot free in consequence."

"That fellow is too clever by half," growled Matheson crossly. "He's got the approach of the pettifogger, if you ask me. It's all very well for the man with unlimited time on his hands to go probing into things that the busy practitioner takes for granted. But—I ask you—how many of us have time to go and check a traffic sign with a tape measure? When I'm reduced to defending on a technicality like that I'll retire—get out. It's the sort of thing that gives lawyers a bad name, this reliance on technical legal quibbles that Weld's so fond of."

"Oh, come sir!" said Pemberton gravely. "I can't have that. After all, your own plea of privilege in the Bourne case was based on a pure technicality, as I'm sure you'll concede yourself."

"I suppose it was, my boy. I suppose it was. But there's all the difference in the world, to my mind, in a case involving a client's very life and a twopenny-ha'penny motoring prosecution which involves a five-pound fine."

"I take your point, sir, of course," said Pemberton, still maintaining a perfectly straight face. "On the other hand, one's duty as a defending advocate in any case, great or small, is to put the prosecution to the proof of absolutely everything. You must admit that Weld never concedes an inch. I saw him defending in a case of dangerous driving the other day that looked, from the way it was opened, to be a clear winner from the point of view of the prosecution. In fact the defendant had driven with such a wanton disregard for the safety of other road-users that I felt sure that the magistrates were going to disqualify him for at least two years."

"Why didn't they?" I said.

"Because Weld established that his client hadn't been given due notice of intended prosecution. The police had slipped up and sent it to the wrong address. He took the point as a preliminary issue, argued it, got home on it, and the case of dangerous driving collapsed before it had even started."

"It can't do him any good, you know," said Matheson gravely. "Between you and me the magistrates are getting rather tired of the way in which his clients keep wriggling out of trouble on nothing less than quibbling technicalities. To my mind, it's

not far removed from chicanery. Now I like to win a case on its merits, to meet the allegation against me fairly and squarely, and to win, if I can, by employing the accepted arts of advocacy. I've no time for these Dodson-and-Fogg tactics, these slippery shifts and stratagems. And if I lose a case now and then because I won't stoop to these specious, hair-splitting legal sophistries, so be it. I'm damned if I'd want my reputation as an advocate to be based on a mere ability to fog the issue with shuffling technicalities."

"But surely, sir, you must draw the line somewhere," persisted Pemberton, now firmly committed to twisting Matheson's tail for all he was worth. "After all, there's nothing wrong in putting the prosecution to the proof, or in taking advantage of a technical point they happen to have overlooked. And coming back to Weld again, you must admit that his analytical, objective approach has been very successful. Saw him the other day, for instance, defending a client for having erected a temporary structure in breach of the local bye-laws. The allegation was that the defendant had put up the building within the last six months. Weld put his client in the box and succeeded in convincing the court that the structure had been completed more than twelve months before the issue of the summons. All he had to do after that was to remind the magistrates of the Summary Jurisdiction Act, and to point out that they'd no power to deal with an offence committed more than six months before the information had been laid. After that the justices had no option but to dismiss the summons, although the building had been erected in flagrant breach of the relevant bye-law. And the defendant walked out because Weld had been sharp enough to spot that the offence had been committed outside the period for which the magistrates had jurisdiction to convict."

"Sharp enough, eh?" snapped Matheson, putting down his glass so heavily that some of the whisky slopped over the rim of it onto the counter of the bar. "He's sharp all right. I've never denied it. When you talk about his being sharp I'm with you all the way. But you fellows miss my point—miss it entirely. This analytical, meticulous, academic approach doesn't make an advocate.

It may win a case now and then, but it's a pretty mean and miserable way of achieving success, to my mind. What does it add up to, after all? An ability to approach every problem like a theorem of Euclid, to put the facts under a magnifying glass in the hope that one will spot the flaw, to approach the matter like some damned professor in an over-refined and finicking sort of way. It's the sort of work one has to do in the office rather than in the courtroom, and God knows how many hours the fellow must spend stewing over his text-books in search of those technicalities he's so fond of trotting out."

"What's that but an infinite capacity for taking pains?" put in Pemberton.

"You're thinking of Carlisle, I suppose, and his definition of genius," said Matheson scornfully. "Well, an infinite capacity for taking pains is as good a definition as I know of what genius is not. The genius, surely, is the man who strikes off something at white heat, without having to stop and think about it—the man with the innate, intuitive grasp. It's whole worlds away from this pedestrian professional approach we've been discussing. And where advocacy's concerned what really matters is the ability to make a winning point straight off the cuff. How often have you seen Weld do that?"

"He certainly doesn't need to win his cases off the cuff," said Pemberton. "If one prepares a case as thoroughly as he does one doesn't have to rely on flashes of inspiration. And, say what you like, sir, Weld's methods seem to work."

"They've worked so far," said Matheson. "The ball's been running for him. He hasn't been upset by the rub of the green. But wait a little longer. Wait until he's faced with something unexpected—some point he hasn't thought of—and see how he copes with the situation then." He picked up his glass, drained it, and put it down decisively. "But I must say that I find the fellow an unmitigated bore. God knows what I'm doing here discussing him at the end of a hard day's work. Let's have another drink and find a more interesting topic. George!" He beckoned to the barman. "Fill 'em up again!"

And having seen that our glasses were replenished Matheson

genially embarked once more upon the subject nearest and dearest to his heart—the subject that, so far as he was concerned, never seemed to pall.

We settled down to listen to some further personal experiences, military exploits and forensic triumphs of Garrett Matheson himself.

6

IN spite of Weld's run of success in a string of unimportant cases I gradually came to the conclusion that it would be a very long time before he succeeded in making any appreciable encroachment into the preserves of common-law and advocacy that Matheson had come to regard as peculiarly his own. The older man had been firmly entrenched for years, and it was obvious that he intended to cling tenaciously to the species of prescriptive right by which Matheson and Co. tended to monopolise the local courtroom. Weld, as he had demonstrated on that first appearance, clearly had an aptitude for licensing work, but with Matheson taking most of it by virtue of his retainer as lawyer to the local branch of the Brewers' Association there was little left upon which Weld could display his talents.

In motoring cases from time to time one continued to see Weld defending, but there was not that uninterrupted flow of work passing through his hands which would have indicated a regular retainer by one or two insurance companies. When a summons is issued under the Road Traffic Act it has to be served upon the erring motorist himself, and it is the motorist who is the nominal defendant when the case comes before the magistrates for hearing. But professional representation is usually arranged not by the individual motorist but by the company which insures him, and a close connection with an insurance company can mean a regular stream of instructions for the solicitor who is fortunate enough to have friends in the insurance world.

I had a visit one day from Kemp, the chief claims inspector of the Universal Insurance Company, and I was somewhat surprised when he asked if I would defend one of his insured upon a charge of dangerous driving which was to be heard in the county magistrates' court at Shelton on the following Friday morning.

"Why bring it to me?" I asked him. "Matheson is first jockey for the Universal. Has been for years. And I don't want to tread on the old man's toes by taking a case on the instructions of his best insurance-company clients. I rather think he would take a poor view if I were to poach on what he's come to regard as his own particular preserves."

"This won't be poaching," said Kemp. "To be perfectly frank with you, he's been offered the case already. He's rather thick, as you probably know, with the chairman of our local board, and his firm's fire account with us is about the best in the district. The fact is that he can't do it. He's an important planning appeal for a brewery company, and as our insured doesn't want an adjournment at any price the case will have to be dealt with by someone else."

"I'll do it if I'm free," I said, picking up my court diary. "Friday morning, did you say?" I turned over the pages. "No! I'm sorry. I'm in front of the magistrates over here. In a committal, I see, in a case of fraudulent conversion. From what I hear of it it's likely to last for most of the day, and your dangerous driver will have to find an advocate elsewhere. Graham, our assistant solicitor, would have been glad to help you, but he's over at Assizes on a marathon defended divorce, and it looks as though it's going to last well into next week."

"Can you recommend someone I can rely on to put up a first-class fight?" said Kemp. "It's a serious case. A pedal cyclist lost a leg and we've a hell of a common-law claim to face when the proceedings in the magistrates' court are over. I want to avoid a conviction if I can, not only from the point of view of the personal-injury claim but because the defendant is the niece of our local chairman. I shouldn't be surprised if the magistrates disqualify her from driving if the case is proved."

"Why not try Weld?" I suggested. "He took over old Musgrave's practice some time ago, and he seems to cope very well in court. I don't know the facts in this case of yours and obviously it would be quite impossible to assure you that he's going to win it if you instruct him. But I can promise you that he'll give your client a good run for her money if you ask him to take it on."

"Where do I find him?" said Kemp.

"His office is bang opposite Matheson's. He's still practising under the name of the old firm, but he has his own plate up as well. If you do decide to give him a chance I don't think you'll be disappointed."

"I'll pop in and see him at once," said Kemp. "Mind you, he'll have to pull out all the organ stops to get away with this one. I haven't got a shred of evidence apart from the statement of the girl herself, and I have the feeling in my bones that she's none too reliable. As I say, if it weren't for the civil aspects of the case she'd probably be well advised to hold up her hand and plead guilty. But things being what they are we'll have to give it a run and hope for the best. If there's a conviction, as there may very well be, there'll be no hard feelings so far as I'm concerned. I know that you chaps can't do the impossible."

Kemp went away, and I forgot all about the case of dangerous driving in which he'd attempted to retain me until I opened my *Evening Gazette* on the following Friday evening. There, on the middle page, under an arresting headline, was a pithy account of a prosecution for dangerous driving, heard that day, in which the woman defendant, represented by Weld, had been convicted, fined fifty pounds, and disqualified from driving into the bargain. Well, as Kemp had said, defending solicitors can't do the impossible, and I still felt certain that despite his defeat Weld would have fought what had obviously been a most difficult case every inch of the way.

A month went by before I saw Kemp again, and then, when he came in to discuss a couple of running-down cases in which Prescotts, acting for the proposed plaintiffs, were trying to wring the last farthing of damages out of the Universal, I could see at once that he was distinctly out of humour.

"Remember that case of dangerous driving?" he said, extending his hand towards my open cigarette-case. "You know, the one I asked you to take for me when Matheson was tied up in a planning appeal?"

"Of course!" I said. "Sorry Weld didn't get away with it, but I'm certain that he gave your insured a jolly good run."

"That's just the trouble," said Kemp glumly. "The girl doesn't seem to think he did. Of course, one has to take what she has to say with a pinch or two of salt. She's the sort of person who's been given unlimited rope by those around her all her life, and I dare say she looks on a driving licence as *carte blanche* to use the roads around here like a racing circuit. At all events, she didn't take to this fellow Weld one little bit. Says that he was brusque with her in conference, gave her the impression that he thought the case was a dead duck before he got near the courtroom, and allowed the inspector who appeared to prosecute to tie her up in knots."

"No advocate can prevent a witness making a fool of herself in cross-examination," I said. "This defendant of yours sounds like a spoiled brat who's only herself to blame for the conviction. I suppose she expected whoever was defending her to hold her by the hand and tell her how wrong it was to allege that she'd been driving dangerously. The main point of a conference is to probe the client's story at all points, to try to pull it apart and test it, so that he'll be able to stand up to cross-examination when it comes."

"I know that," said Kemp. "Unfortunately, the girl doesn't. She leaves the court in tears, rings up her uncle—our local chairman—the minute she gets home, and the result is he has me on the carpet. Asks me why the case wasn't sent to Matheson, and when I explain that he couldn't do it he wants to know why I passed the papers to a newcomer who hasn't been in the town much more than five minutes and hasn't got a clue how to defend a case in court."

"I suppose you told him that you got Weld's name from me?"

"No! I simply said that Mr. Weld had been highly recommended. After that he took his niece to have a word with Matheson. I gather that the old man exuded charm—he can turn it on like a tap, you know—said how sorry he was that he hadn't been able to defend her personally, and as good as told her that if he'd been retained it would have been a very different story. What's more, he made it clear that whoever had given instructions to Weld

didn't know his job, with the result that the chairman has handed me the biggest rocket I've had in years."

"Which means, I suppose, that Weld can say good-bye to the hope of any more work from the Universal?"

"That's putting it mildly. My guess is that he won't be getting any insurance-company work of any kind for a very long time to come. You know how these things get around. My chief is always bumping into colleagues in the insurance world, and it's odds on that he'll pass on the story. Of course, he and Matheson are just like that." Kemp held up his finger and thumb and brought them significantly together. "Matheson's fire account with us adds up to a very pretty penny in premium income, and he carries a great deal of weight with our local board of directors. Mind you, I don't think it would have made a bit of difference if Matheson had taken the confounded case. It was probably a loser from the beginning. But he would have had sufficient gumption to jolly the girl along. He'd have sympathised with her, flattered her, made excuses for her, so that she would have blamed the conviction on the justices instead of on him. As it is, she's blaming it on this fellow Weld, and the governor is holding me responsible for having recommended him." He sighed resignedly. "Still, that's how it is. That's life! Who in his senses would want to be a claims inspector?" He opened his brief-case and took out his files. "Well, I suppose we'd better get down to it. Which one shall we take first? What about this case of Mostyn? You know, the fellow on the pedal-cycle who fractured a femur by riding into our chap's stationary car. Not worth much more than nuisance value, I should have thought. What have you got to say about it?"

"That I'll talk to you, without prejudice of course, on a footing of full liability. There's not a scrap of contributory, and if you're not going to hold your hand up I might as well press on and issue my writ."

"All right!" said Kemp, grinning. "I was only pulling your leg. I've got your list of specials, and I'm prepared to agree it apart from this item for repairs. Our engineers say that a tenner is ample. Generals, now." He took out a medical report and began

to run his eye over it. "Simple fracture, good recovery, no deformity. . . ."

But as he went rattling on I found it difficult to concentrate on my unfortunate client's fractured femur and the problem of quantifying his damage in pounds, shillings, and pence. My mind kept harking back to what Kemp had told me, and I realised what a disservice I had unwittingly done to Weld by recommending him to defend a most difficult client in a case which had probably been hopeless from the beginning. I had, as it had turned out, played into Matheson's hands, and I could well imagine how pleased he would have been at the news of the conviction, fine, and disqualification. An acquittal, as I realised, would have made him furious, but the conviction gave him the opportunity of claiming that he himself could have won the case quite easily and of attributing blame for the defeat to Weld.

And the discussion I was having with Kemp about a claim for damages for personal injuries brought home the fact that Weld's failure might well have repercussions much more serious than a reluctance on the part of insurance companies to retain him in driving cases to be heard in the local magistrates' court. Proceedings under the Road Traffic Act often pave the way to civil claims for damages, and it is the insurers of the nominal defendants who retain solicitors to defend those claims in the High Court actions which so frequently follow. If the word went round in insurance-company circles that Weld was not to be relied on, the probability was that very little defendants' work would come his way, and it was extremely well-paid work of a kind which no young solicitor could afford to lose.

With half my mind on Weld and Matheson and the other half on Kemp and my client Mr. Mostyn, I wasn't at my best that morning, and when Kemp finally left me I had the feeling that I hadn't got quite as much out of the insurance company as I would have liked. But I consoled myself with the comforting thought that I had obtained three hundred pounds more for my client than the figure at which he had authorised me to settle, which meant that Mr. Mostyn would be satisfied even if I wasn't.

The débacle in the driving case had not been engineered by Matheson. The fact that he had been retained in another court on the day the case was to be heard was something quite fortuitous, as was the fact that instructions to defend had found their way to Weld. But when, by chance, his rival had taken the case and lost it, Matheson had clearly seized the opportunity of wringing out of the failure every scrap of advantage he possibly could. But I was soon to discover that the major knew how to exploit success, and that he was quite capable of taking positive action to discredit the colleague to whom he had taken such a vehement dislike. Matheson's moves behind the scenes in the Nathan case, which was heard a few months later, not only convinced me that his animosity was as keen as ever, but established, too, that he was capable of psychological subtleties that I had never thought he possessed.

Old Moses Nathan, or Mossy as he was popularly called, was a local jeweller and silversmith in the eighties, who had traded in the town for more than fifty years and was liked and respected by all who knew him. He had fought and been wounded in the First World War, after which he had re-opened his shop in Euston Street and resumed the business activities which the war had interrupted. Local rumour had it that Mossy, over the years, had done very well for himself, and he had the reputation of being a first-rate judge of diamonds. Local notabilities who wanted to buy a good diamond ring were far more likely to pay a visit to the old man's unpretentious shop in Euston Street than to go to one of the more ornate establishments in the centre of the town, where high rents and standing charges tended to be reflected in the prices one was called upon to pay there. At Mossy's place in Euston Street there were no glittering displays behind plate-glass windows, protected by stout, steel grilles; no fitted carpets nor expensive furnishings; and no elegantly tailored shop-assistants who knew all about the techniques of selling but little about precious stones.

If one went to Mossy's snug little shop one saw the old man himself, and there, in a dark back room, he would open his enormous safe, reverently remove a selection of pieces in the price-range

one wanted, and take them over to the table. Then on would go one brilliant light, and the old man—his jeweller's glass clamped firmly to his eye—would take up his treasures one by one and croon their praises to his customers with such sincerity that one gained the impression that he didn't really want to sell them. Indeed, as the years went by, he grew increasingly disinclined to let them go, and by the time he reached the eighties he was perfectly content to go along to his shop each morning, to chat with a few old friends who called in from time to time to see him, and to watch the passers-by.

He had lived in the town for so long that almost everyone seemed to know him, and, although he always acted unobtrusively, he did a great deal of good in a quiet, unspectacular way. And I dare say that his appearance had something to do with the respect and affection in which so many held him, for there was something irresistibly appealing in his mild and wrinkled face, with the black skull-cap above it, and the white goatce below.

And then, one day, the placid tenor of the old man's existence was cruelly shattered. Four men burst in upon him, battered him until he was bleeding and insensible, took his keys from his pocket, and made off with the contents of his safe. When he was found by chance three hours later there was no more than a spark or two of life left in him. He was rushed to hospital and there, for more than a month, he hovered uncertainly between life and death. At last he took a turn for the better, recovered his speech, and was able to tell the police something about the attack upon him. And the detectives discovered that the old, olive-green safe in the little shop in Euston Street had held diamonds worth more than fifteen thousand pounds.

The Nathan affair had an impact on the town far heavier than was usually caused by a case of robbery with violence. Diamonds worth many thousands of pounds had been stolen from an unpretentious little shop, the police appeared to have no clue which seemed likely to lead to an arrest, and the general feeling was that the crime had been organised by someone with intimate knowledge of the old man's habits and executed by a team of strangers to the town. But the predominant feeling was

one of anger against the assailants, because the attack had been characterised by such brutality that the victim had very nearly lost his life. Robbery with violence is rightly regarded as one of the most serious crimes in the calendar, but the revulsion it arouses must obviously be enhanced when the victim is an in-offensive old man whose character has made him generally respected. Local feeling ran so high, indeed, that a number of Mossy's friends came forward with the offer of a reward of five hundred pounds for information which would lead to the identification and arrest of those responsible.

But at last the police succeeded in making an arrest. A witness claimed to have seen four men leaving the shop on the morning of the robbery and to have watched them getting into a waiting car. The description of one of the four seemed to tally, in some respects, with that of a local housebreaker named Rourke, whose past record qualified him for a high place on the list of local suspects. Rourke, or Foxy Frank as he was popularly known, was seen, interrogated, and found to be somewhat evasive about his movements on the day the crime had been committed; he was placed upon an identification parade and there picked out by the witness who claimed to have seen him leaving Nathan's shop. Foxy Frank was thereupon arrested, charged, and remanded in custody for a week, and before he was taken away to spend his seven days on remand in Runton he sent a message asking if I would go down to the cells to see him.

I found him in an unusually serious mood. I had defended Rourke half a dozen times, and his usual reaction to arrest on a criminal charge was to meet the allegation against him with cheeky insouciance, and to discuss, with the confident composure of an old hand at the game, ways and means of gaining an acquittal. Now his attitude was an entirely different one, and it seemed to me that he was genuinely upset at the nature of the charge that had been preferred against him.

"I didn't do it, guv'nor," he said at once, in a tone almost pathetic in its earnestness. "Don't know a thing about it, and that's straight. And what gets me down is the fact that the bogies should believe that I'm capable of doin' such a thing. I've done

my share of screwin' and I don't mind admittin' it. And when it comes to openin' a peter then there's not a better man than me in the profession, though I do say it as shouldn't. But violence!" He shook his head with a quick gesture of distaste. "Don't hold with it. Never has done. So far as violence is concerned I have a clean sheet. There's loads of form written down on my conviction card. I've heard it read out in court often enough, and by now I nearly knows it by heart. Juvenile court, police court, quarter sessions and assizes—I've seen 'em all—but it's all been for straightforward honest screwin' and nothin' else. Why, I've never even been had up for common assault! And now they're tryin' to pin me for half killin' poor old Mossy Nathan, someone that everyone respects. Why, I wouldn't have hurt a hair of the old man's head. And, believe me, guv'nor, if I knew who it was that did it I'd shop them before you could say 'Knife!' I've never been a coppers' nark. Never thought I could be. But if I knew who'd pulled off the Nathan job I'd turn 'em in with pleasure. They deserve to be topped for doin' a thing like that."

"I suppose you want me to defend you?" I said, impressed, in spite of myself, by the vehemence of this disclaimer.

"I do that, Mr. Prescott. I do for sure. And this time I've simply got to get away with it. I know I've told you some funny tales in the past—tried to convince you that I hadn't done the job they'd pulled me in for when all the time I knew very well I was in it up to the neck. But this Nathan job is different. This time I'm telling you the truth. And if you don't help me, as you always have in the past, I can see myself puttin' in eight years P.D. on the Moor for something I didn't do."

"I'm sorry," I said. "I'd like to defend you, but the plain fact is that I can't. We act for Mr. Nathan, you see. Have done for years. And in view of our long connection with him and the fact that whoever defends you will have to cross-examine him as the main witness for the Crown, I can't possibly accept a retainer in this case of yours. It wouldn't be proper of me to do so, and it wouldn't be fair to you." I took out my cigarette-case and offered it to him. "There's no need to look so downhearted, though. I'm not the only pebble on the beach, and the

real tug-of-war will come when you get before a jury. That's when counsel will be needed, and there's no reason why you shouldn't ask for Curzon, who's always done so well for you in the past. But to begin with, what about a solicitor? You've lived in the town for long enough to know who can cope in court and who can't. Have you any particular preference?"

"I'd like that Major what's-his-name—Major Matheson," said Foxy Frank with decision. "Not that I'm ever likely to have the chance of chattin' to him nice and friendly like, 's I'm doin' just now with you. He'll bite my head off, I shouldn't wonder. All the same, I'd like him if I can't have you. I remember him cross-examining me in a police-court case five or six years ago, and he tore me into little bits. When I crawled out of that there witness-box I felt like a piece of chewed-up string. And if he could make mincemeat of me I don't see why he shouldn't do the same to this joker who picked me out on the identification parade. Knock him on the head and the case collapses. Isn't that right, sir?"

"You'd better ask Mr. Matheson about that," I said. "I'll have a word with him on the telephone straight away and ask him to defend you. Will you need a legal-aid certificate or can you pay a fee? I'd like to be in a position to tell him how you stand financially."

"Don't need no certificate," said Rourke decidedly. "I can pay him and pay him well. Tell him that I don't care what it costs me so long as he gets me off. And if he wants somethin' on account he can have it on the nail. I had the thick end of three hundred on me when they pulled me in, and I can lay my hands on plenty more."

I thought that the reference to these ample funds sounded rather ominous: it suggested that Foxy Frank had recently been employed upon some profitable incursion into crime, and I found myself wondering whether the ready money in his possession represented part of the plunder, converted into cash, from poor old Nathan's shop. Still, if I wasn't going to defend him there seemed to be little point in speculating about how and why he found himself so substantially in funds. And so I went back to

the office, got Matheson on the telephone, and asked him if he would care to defend Mr. Francis Aloysius Rourke upon a charge of robbery with violence in view of the fact that a conflict of interest prevented my taking the case myself.

Matheson, a little to my surprise, couldn't have been more charming. "Rourke, did you say? In custody? In a position to pay for his defence? Certainly, my boy! Certainly! I'll step down the street and have a look at him. . . . Yes, I can quite understand why you've had to decline instructions. If poor old Nathan's a client of yours it would be distinctly off-side if you came into the case at all. I'm obliged to you for getting in touch with me. I'll deal with the matter straight away."

When Matheson rang off I was left with the uneasy feeling that there was something a little strange in the interest he had shown in the Rourke case. He wasn't the type of man to be tempted by a heavy fee, and the promise that he would go to see Rourke himself struck me as something completely out of character. The major, in his time, had conducted many criminal defences, but his activities had always been strictly confined to the courtroom. The taking of instructions, the negotiation of a fee, and the preparation of a proof of evidence were all matters that he usually delegated to one of his common-law clerks, and the thought of the doyen of our local advocates condescending to visit Foxy Frank in the cells struck me as an extraordinary departure from his usual mode of dealing with the preliminaries to a criminal defence. Still, it seemed clear that he was prepared to accept instructions, and that Rourke was likely to be represented by the solicitor upon whom he had set his heart.

Exactly eight days later, on the morning that Rourke was due to be committed, I happened to visit the cells again in order to have a word with a client who had been arrested overnight and wanted me to make an application for bail when he was put up before the magistrates at half-past ten that morning. While I was waiting for the client to be brought to the reception cell I noticed Rourke on the other side of the iron-barred grille which separated me from the cell corridor, and I went forward to have a word with him.

"Everything arranged with Mr. Matheson?" I said. "He promised he'd come down to see you."

"He came down all right," said Rourke. "Couldn't take my case, though. Said the date of the committal would clash with another engagement. Put me on to a Mr. Weld. Told me what a first-class man he was and said that I couldn't be in better hands. And it's this Mr. Weld as is goin' to appear for me this mornin'."

"Does Mr. Weld know where the recommendation came from?"

"As a matter of fact, sir, he doesn't. Major Matheson made a point of tellin' me that I wasn't to say a word about it. Said that Mr. Weld might be upset if he thought that I hadn't sent for him in the first place. And, come to think of it, sir, it wouldn't be very nice if he was to know that he's only third jockey in the stable and that I only got hold of him because I couldn't have you or Major Matheson."

After Rourke had been called away to get ready for his appearance before the magistrates who were to commit him, I had a short conference with my client about the provision of the sureties who were likely to be asked for if the justices admitted him to bail, and then I went upstairs to the courtroom. Weld was already there, with his *Archbold* and his evidence book in front of him, obviously ready for the fray. As I sat down to wait for the magistrates to put in an appearance I found myself pondering about the unexpected turn that events had taken. That Matheson should have found that the date of the Rourke committal clashed with his appearance in another court was understandable enough. Most solicitors in heavy practice know what it is to be offered instructions in three different cases, to be heard in three different places, on the same day. And many of them must often wish, as busy barristers do, that they could divide themselves into three pieces and send one piece to each court. As it is, instructions have to be declined and briefs passed on to less busy professional brethren, many of whom rely upon these 'returns' as they are called, from overburdened colleagues. The refusal of instructions, then, was easy to understand; but why in the world, I wondered, had Matheson passed on the case to someone he so intensely disliked

and was so obviously out to injure? Then, too, there was the injunction he had given to Rourke to say nothing about the source of the recommendation. The reason Matheson had given sounded specious enough to anyone who didn't know about the state of war which existed between the two men; but to me, who knew the real situation, the thought that Matheson would be at pains to spare his rival's feelings was so far-fetched as to seem nonsensical.

Then, too, the way in which Matheson had eulogised his rival to Rourke seemed completely incomprehensible: that Weld was a first-rate man and that the defence couldn't have been placed in better hands were statements I entirely agreed with, but the odd thing was that Matheson had made them. I began to wonder if I had misjudged the major. Perhaps, behind that arrogant façade of his, he nursed a reluctant admiration for the merits of his colleague, and had been honest enough to forget his violent personal prejudice when called upon to name a thoroughly competent lawyer capable of doing justice to a difficult criminal defence.

But these feelings that I might have misjudged Matheson merely demonstrated, yet again, that I didn't really know him. That evening the town was buzzing with comment, speculation, and rumour about the Rourke case. The *Evening Gazette* carried, on its middle pages, a full report of the committal proceedings under headlines which consisted of pithy quotations from the prosecution's opening. And Arnold, who appeared for the Crown, had obviously been on top of his form. He had given the magistrates a detailed and harrowing account of what he had described as an attack of appalling brutality upon a frail old man, who had been left bleeding and insensible in a ransacked shop and who might well have died had not a neighbour called in and found him. The medical evidence, which established that Mossy had had a very close call indeed, was reported in the fullest detail, and one couldn't read the report without experiencing a strong feeling of revulsion towards the men responsible for a particularly vicious crime of violence.

Unfortunately for Rourke and for Weld who had defended

him, few laymen really appreciate the scope and purpose of committal proceedings, which don't amount to a trial at all but merely consist of a preliminary enquiry for the purpose of establishing whether there is sufficient evidence, *prima facie*, to put the accused upon his trial. Weld, very wisely, had advised his client to reserve his defence, and as the newspaper report was able to give only the case for the prosecution a great many people jumped immediately to the conclusion that there was no case for the defence and that Rourke was undoubtedly guilty of the crime alleged against him. Foxy Frank, that night, must have been the most unpopular man in the town: I heard several people express the hope that he would receive a heavy sentence, coupled with expressions of regret that he couldn't be given a flogging, and I found, in one quarter at least, that some of the odium so liberally heaped on the accused was being laid upon his advocate.

I went across to the club at about nine o'clock and found that the Rourke case was the main topic of conversation. Matheson, with a glass of whisky in one hand and the inevitable Havana in the other, was standing in the middle of a dozen or so members who were grouped around the bar. He was so intent upon what he was saying that he didn't appear to notice me, and I slipped into a chair set into an angle at the corner of the bar, hidden from the major's view by the men who were standing around him, and found myself listening—idly at first—to the discussion going on only a few feet away.

"Of course," Matheson was saying, "I could have defended in the confounded case myself. This fellow Rourke or whatever his name is did his best to retain me. Said he knew that I was the only lawyer in town with the ability and experience to get him off. It cut no ice with me, of course. I told him pretty bluntly that he could take his damned instructions to someone else."

"I suppose the fee wasn't good enough, eh, Matheson!" said Dr. Brent with a knowing air.

"Fee! That had nothing to do with it. Nothing to do with it whatever. In fact, if it came to the point, I'd be ready to defend a client for whom I felt the slightest sympathy without charging him a penny. I defended Ruby Bourne on a capital charge on

nothing more than a defence certificate, and a defence certificate in those days didn't do much more than cover one's out-of-pockets. I was glad to do it, and I'd do it again. But this Nathan case is a damned bad business. A horrible business. And I simply wasn't prepared to soil my hands with it."

"I still think that a nice fat fee might have induced you to change your mind," said Brent, who was never averse to tweaking Matheson's tail.

"You're wrong, Brent! Absolutely wrong!" returned Matheson hotly. "The fellow had three hundred pounds on him when he was arrested. Told me so himself, and I confirmed it with Drax, who's been handling the investigation. What's more, he gave me to understand that he could lay his hands on a great deal more. To cut a long story short, I could have charged any fee I chose and been paid in cash if I'd been prepared to take it on. But where did all the fellow's money come from? That's what I asked myself."

"From the Nathan affair, I should imagine," said Brent sagely.

"Exactly! Part of the proceeds of the robbery coming straight from the pocket of some confounded fence. Well, I wasn't prepared to contaminate myself with a fee obtained from a source like that. I turned it down flat. Thank God my practice is good enough to make me independent of dirty business like this Rourke case. I wouldn't have touched it with a bargepole if he'd offered me a thousand guineas and gone down on his bended knees into the bargain."

"But, you know, someone has to defend him," said Brent. "It may be an unpleasant task, but someone has to do it."

"Of course! Quite right! Fortunately there are just a few men, in every profession, who don't care a damn what they do so long as the fee they're paid is sufficiently attractive. And this chap Rourke, I see, has found someone to take him on. Well, I dare say Weld is chock-a-block with high principles, but I'll wager that they evaporated pretty damned quickly when his client mentioned a thumping big fee. Of course, I suppose one must make allowances. A few hundred guineas must have its

attractions for a fellow with a piddling little practice. But I'll tell you straight, Brent, if I were a youngster without two pennies to rub together, I'd rather pull down my plate and go sweeping streets than prostitute such talents as I might possess by defending a vicious brute like this Rourke fellow."

There was a lull for a moment or two after Matheson had finished. He had expressed himself so vigorously that Brent didn't seem disposed to press the argument further, and it seemed, from the momentary silence, that the major had overborne him in the somewhat one-sided discussion in which the pair of them had been engaged. Suddenly the silence was broken by Harry Pemberton's voice, which rang out like a pistol shot and seemed to have the same sort of effect. His interjection was coarse, monosyllabic, and reminded me of the prompt rejoinder made by a certain lord chancellor to an unsophisticated attorney general when the latter had propounded the extraordinary proposition that roulette was a game played with cards.

"What was that, Pemberton?" I heard Matheson's voice break the sudden silence which had fallen over the bar.

Pemberton, calmly and distinctly, said it once more.

"You're being offensive, sir."

"I know," said Pemberton, with complete composure. "As a matter of fact we both are, but the difference between us is that I mean to be and you can't help it. I could forgive you, perhaps, for the unmitigated drivel you've been talking if you weren't a lawyer. But you must know perfectly well that you've been talking a lot of malicious nonsense and I'm hanged if I'm going to stand here listening and let you get away with it."

"Nonsense!" echoed Matheson, a trifle unsteadily. "Nonsense, did you say? You'd better withdraw that, I think."

"I withdraw nothing," said Pemberton evenly. "You know perfectly well that a lawyer isn't concerned with the question of his client's guilt or innocence—it's not a matter for the advocate but a question for the court. The advocate is retained to present his client's case before the tribunal which tries him, to see that in presenting its case the Crown observes all the rules of evidence, and that the allegation made is driven irresistibly home beyond

all reasonable doubt. You've been saying that you declined instructions in the Rourke case because you think the accused is guilty of a particularly shocking crime. For all you know he may be perfectly innocent. And it makes me sick to hear you—a lawyer—complacently arrogating to yourself the omniscience of God."

"I'm entitled to my opinion," snapped Matheson hotly.

"Of course! So is any advocate who appears in a criminal court. But if, before accepting instructions to defend, a lawyer tried to decide the issue of guilt or innocence the administration of justice in our criminal courts would become impossible. The advocate is neither judge nor jury. His function is the objective presentation and testing of fact, the argument of any points of law that bear upon the issue, and the saying, in the clearest and best possible way, of what his client may be incapable of saying for himself. You know perfectly well that Weld has acted quite properly in accepting instructions to defend in the Rourke case, and he'll be assisting in the administration of justice by agreeing to do so. If his client's guilty it's no concern of his. The finding of guilt is the function of the jury. And I think he should be congratulated in accepting instructions in a case which you apparently hadn't the guts to take yourself."

"Hadn't the guts, eh?" sneered Matheson contemptuously. "It's not a matter of guts, Pemberton. I practise my profession in my own way. When I was admitted a solicitor I didn't abrogate the right to choose the clients I was prepared to act for. If I choose to turn down instructions in any case I'm perfectly entitled to do so. According to you I'm to be at the beck and call of all the ragtag and bobtail who fall foul of the law, and to defend 'em whether I want to or not. That's not my conception of the rôle of a criminal lawyer. Never has been and never will be! I'm bound to defend only those from whom I accept a retainer, and if I choose to tell someone like this Rourke fellow to go to the devil I'm perfectly within my rights."

"I don't dispute it," said Pemberton composedly. "If you don't want to defend a prisoner because you don't like his face, because you don't like his case, or for any other valid reason you care to think of, then no one is going to make you. But to

base the refusal, as you've done, upon a prejudgment of the issue is not merely wrong—it's so damned illogical that I'm amazed to hear you do it. Because the accused is apparently in the happy position of being able to pay a fee you jump to the conclusion that he's come by the cash by committing the crime he's accused of. It's possible that he has, of course, but your assumption is unwarranted. Because this attack upon poor old Nathan is such an appalling business you seem to take it as read that Rourke is responsible. In fact, it may turn out that he knows nothing whatever about it, and even at this early stage the prosecution evidence looks rather tenuous to me. If you'd declined to act because you didn't want to be associated in the public mind with a man who may be guilty of a particularly revolting crime, I wouldn't approve of your decision but I think I could understand it. But to refuse because, in your own mind, you've tried and convicted an accused man, prejudging the issue completely, is illogical, unjust, and unutterably conceited into the bargain. Thank God there are other people who can see the rôle of advocate more clearly."

"Like your friend Weld, I suppose," said Matheson venomously. "I'm sure that he, at any rate, doesn't stand in need of any instruction in the ethics of advocacy. I dare say that he knows it all already. But I'm much obliged to you, I must say, for giving me the benefit of your invaluable advice. I was practising law before you were born, so you'll forgive me if I seem rather surprised that I stand in need of any instruction from you as to a lawyer's duties. I'm grateful to you none the less. Most grateful, I do assure you."

"Spare me the heavy irony," said Pemberton. "It's wasted on me, and you might as well cut it out. I'm prepared to concede that you've been admitted for far longer than I have, but, to my mind, that makes your attitude all the more inexcusable. I could forgive a layman for mentally convicting a man before he's been tried—for jumping to the conclusion that he must be guilty because he happens to have been arrested. But there's no excuse for a lawyer who's been practising for as long as you have. And to suggest, as you've done, that Weld has accepted instructions just because he's been tempted by a heavy fee is a malicious

misrepresentation of the facts. If you find some kind of perverted pleasure in standing there and slandering a brother solicitor there's nothing I can do to stop you. But I'm hanged if I'll stand by and let you do it without making some effort to put the record straight."

There was a moment or two of uneasy silence, and then I saw Pemberton detach himself from the group and walk quickly away. I got up and joined him in the billiard room.

"Good for you!" I said. "I was sitting just behind you, and I couldn't help overhearing what you said to Matheson."

"Confounded old fool!" mumbled Pemberton crossly. "He's never tired of telling anyone who's prepared to listen how he defended Ruby Bourne in that precious poisoning case. Now he's taking Weld to task just because he's defending in a crime of violence. It's perfectly all right for him to accept a retainer in a nasty case, and all wrong for someone else to do it."

"Have you any idea how Weld came to be instructed?" I said.

"Haven't a notion! This fellow Rourke simply sent for him, I suppose."

"Rourke sent for me in the first place. When I told him that I couldn't accept instructions because old Nathan is a client of ours, he said that he wanted Matheson. And it was Matheson who made some excuse about being engaged in another court and suggested to Rourke that Weld should be retained for the defence. Weld is defending in this case because Matheson put in a good word for him, and—after listening to what was said in there to-night—I'm beginning to see why he made the recommendation."

"Matheson put in a good word for Weld?" Pemberton shook his head in perplexity. "But it doesn't make sense. I just can't believe it."

"It's true nevertheless. It was Rourke himself who told me so. And I can't see why it should puzzle you. The old man's reasons are as plain as a pikestaff. Who, would you say, is the most unpopular person in the town this evening? I'd say it was undoubtedly Rourke, who has been committed for trial for

robbing a frail old man, who's widely known and generally respected. So far as the layman reading his newspaper is concerned, Rourke is as guilty as sin already. The man in the street doesn't really know anything about the limited scope and purpose of a committal, he reads a detailed report of the prosecution evidence, and he sees that no evidence is called in rebuttal. He bases his conclusion of guilt on a compound of misunderstanding and prejudice, and quite forgets that the defence may have a complete answer to the charge when the case comes on for trial."

"I can quite see that the majority of people will prejudge the issue," said Pemberton. "I can quite understand popular feeling running high against Rourke. But where in the world does Weld come in? People may well have a feeling of revulsion for the client, but I don't see how that affects the man who is merely paid to defend him."

"I'm afraid that you don't understand the attitude of the general public in a case such as this," I said. "Accused and advocate, to some extent, become identified with the crime in question. There are people all over the town to-night—at home, in clubs and licensed houses—talking their heads off about the Rourke case. Most of 'em will have read the report in the *Evening Gazette*. The majority of 'em will have arraigned, tried, and convicted Rourke already, quite forgetting that he hasn't yet said a word in his own defence. And you can take it from me that at some stage of the discussion some silly fool will chip in with a few sorrowful words to the effect that he can't understand why a respectable solicitor like Mr. Weld should soil his hands by accepting instructions from a rascal like Rourke. And it's odds on that everyone standing round him will shake their heads significantly and say that they can't understand it either. Some of the odium that's bound to attach to the accused in a case such as this—where public sympathy has been stirred so strongly in favour of the victim—will rub off onto the advocate who's defending. It's wrong, it's illogical, it's based on a complete misconception as to the functions of an advocate, but there it is. That's the general attitude. And if his client's convicted, Weld is going to find that the case has done him quite a lot of harm with those who haven't

sufficient intelligence to see that he's merely been assisting in the administration of justice and performing a difficult duty."

"I see," said Pemberton slowly. "So you think the old man put in a few words for Weld in the hope of involving him in a nasty case which would tend to lower him in public estimation?"

"I feel certain of it. And look what a glorious opportunity it gives to Matheson. You know what an old gasbag he is, and he's going to play up the situation for all he's worth. You heard how he was going on in there to-night. 'Of course, I could have had the confounded case myself. I could have charged any fee I chose to name. But I wasn't prepared to touch it with a bargepole. What! Defend a brute capable of inflicting those terrible injuries on poor old Nathan? Wouldn't dream of doing it, my dear fellow. Let him get hold of someone else—someone who's not too particular so long as there's a nice fat fee at the end of it.' That's the sort of poppycock he's going to put about. And the devil of it is that he'll find any amount of sycophantic morons who'll lap up every word he utters and then go around telling their cronies about the sturdy, independent, high-minded professional spirit of their old friend Major Matheson. It makes me feel sick."

"Does it?" said Pemberton. "Then you'll be pleased to hear that for sickness of that sort I know of a first-rate remedy. Settles the stomach, gives one a lift, and damps down depression. And I guarantee that it will wash the taste of old Matheson out of your mouth into the bargain."

"What is it?"

"A brandy and soda," he said.

MATHESON lost no time in making as much capital as he could out of his refusal of a retainer in the Rourke case. In the three-week interval between committal in the magistrates' court and trial at assizes I heard, on every side, commendations of Matheson's conduct—commendations which were based, I suspected, on the story which the major had been at pains to circulate himself.

Detective-Inspector Drax told me, in confidence, that Matheson had turned down an enormous fee rather than soil his hands by defending a man with whom he felt completely out of sympathy; I heard a similar story from two or three magistrates; and as commission day for the next assize came nearer any reference to the Rourke case usually included some mention of the high-minded way in which the major had behaved by refusing to defend the man whom most people seemed to assume had been responsible for the robbery.

And every express commendation of Matheson's conduct contained an implicit censure of Weld's. If, as almost everyone seemed to think, Matheson had been right in rejecting instructions, then, by implication, Weld's acceptance had been wrong. Public sympathy for Nathan had been so violently stirred up that local feeling ran high against the man accused of the attack upon him, and with a perversity firmly rooted in misunderstanding and prejudice there was a tendency to identify the accused with the advocate who was defending him. And I suspected that Matheson lost no opportunity of suggesting, by means of hint and innuendo, that Weld had been ready to sink all scruples about what was undoubtedly a shocking case for the sake of a heavy fee—a fee which had doubtless been paid out of the proceeds of the robbery.

And so I waited for Rourke's appearance at the next assize with more than ordinary interest: his conviction, I thought,

was likely to justify in the public mind Matheson's refusal to defend him; his acquittal, on the other hand, would tend to show all those who had jumped so quickly to the conclusion that arrest was synonymous with guilt that, under English law, no man may be convicted of a criminal offence unless he admits it or unless his guilt be proved beyond all reasonable doubt. Acquittal for Rourke, as Pemberton put it rather pungently, would mean a smack in the eye for Matheson. And I found myself hoping that when Rourke's day of reckoning came the jury would come back and say 'not guilty.'

A day or two before the assize was due to open I went down to the Criminal Investigation Department to have a word with Detective-Inspector Drax. I was retained to defend an estate agent in a complicated case of fraudulent conversion, my client was pleading guilty to the six counts in the indictment against him, and there were more than fifty other offences to be taken into consideration. The object of my visit was to check the list of consideration offences which had been prepared by the police against a list which I had compiled on the instructions of my client, and to see that the two lists tallied. The comparison of the lists took up about twenty minutes, and we finished it as one of the typists came in with the inspector's cup of tea. He asked her to bring in another cup for me, offered me a cigarette, and we were soon deep in discussion about what was likely to happen in three or four local cases included in the calendar at the next Assize.

"What do you think of your chances in the Rourke case?" I said at last. "Are you going to get a conviction?"

Drax shook his head. "We haven't an earthly," he said decidedly. "Rourke is off the hook already. In fact, between ourselves, there have been developments in the case during the last day or two which have altered the complexion of the case completely. I don't mind admitting that I've been worried stiff, the Chief is just as concerned as I am, and we're going to try and get some guidance from the Director. We want to know how to act next Tuesday when Rourke is put up to plead."

"I suppose I'd better not ask any more questions," I said.

"Even if I did, I shouldn't expect you to give away any secrets to me—especially as the case doesn't directly concern me."

"I wouldn't say these developments were secret," said Drax. "They'll be common property when the case comes on for hearing. We've notified Weld already, and as you and I are such very old friends I don't see why I shouldn't let you know what's been happening. As I dare say you know, the evidence against Rourke in the Nathan case was never of the strongest. It was based on nothing more than a firm identification by someone who claims that he saw the accused leaving the shop on the day the robbery was committed. It's all too easy for the wrong man to be picked out on an identification parade, and where a large reward has been offered privately—as it was here—there's a strong temptation for one's witness to pick out anyone rather than admit that he's drawn a complete blank. This witness of ours picked out Rourke, and in view of all the form he's got and his general attitude when we had him in for questioning, I'd have staked my pension that we'd scored a bull's-eye."

"How did you get Rourke onto the parade in the first place? I gather that there hadn't been a clue as to identity, and there wasn't a ghost of a lead to be found in the shop."

"Quite right! The whole thing happened so quickly that poor old Nathan hardly knew what hit him. He opened the door, expecting to see one of his friends, and three or four men rushed in on him and knocked him out. The next thing he remembers is waking up in Victoria Hospital three days later. The shop itself didn't hold the smallest clue—not a dab, not a palm-print, not a foot-print—not even a cigarette-end. The affair was obviously a skilled professional job, carried out by a team who must have planned the raid down to the last detail. Well, you know as well as I do what the drill is in a situation like that?"

"I've got a good idea. You ask yourself if anyone locally has previous form for that kind of crime, you compile a list of suspects, and then you try to discover whether anyone was missing from his usual haunts on the day the robbery was committed."

"Right! You should have been a detective, Mr. Prescott. I can see you've got a pretty good notion of the way we go to work."

Well, that's just how we started our enquiries into the Nathan job. Rourke's name went on the list because he's an expert peter-man, and although he's no convictions for violence there always has to be a first time. In any event, I figured that Rourke might have been taken along to cope with the safe, and that Mossy's injuries might well have been inflicted by the strong-arm man who was sure to have been a member of the party."

"So you went along to have a word with Rourke?"

"Exactly! But Rourke appeared to have gone to ground. Hadn't been seen for some days before the raid was carried out, and hadn't surfaced since. The girl with whom he'd been living tally said he'd gone abroad, which made me suspicious, and Foxy Frank became first favourite on my list of probables. Then, when Mossy's friends came forward with the offer of a large reward for information which might lead to the arrest of the men responsible, a fellow comes along and claims that he's seen four men leaving the shop on the morning of the robbery. We show him a few dozen studio portraits from our rogues' gallery, and sure enough he picks out Rourke. After that Foxy Frank becomes odds-on favourite in the robbery-with-violence stakes, and we circulate his description to all forces."

"But he was arrested here."

"I know. While every police force in the country is keeping a look-out for him, Foxy comes back here, as bold as brass, and two of my men pick him up in the saloon bar of the Sailors. Of course they bring him in and I get to work on him. I explain that I want him for the Nathan job and he tells me that he knows nothing whatever about it. I ask him where he was on the day of the raid, he can't tell me, and he's as cagey as can be about his movements both before and after the day on which the job was done. He's three hundred pounds in his pocket when we pull him in, and the only explanation he can give is that he's had a lucky run at the races. Then we get a search-warrant to take a look inside his flat, and we find over a thousand more tucked away neatly under the floorboards in his bedroom. The only explanation he can give about that is that it represents his life savings—if he'd talked about the fruits of crime I might have

been disposed to agree with him. By this time I'm convinced that Rourke is my man, and so I ask him if he's prepared to go upon a parade. He makes no difficulty about that, and he's promptly identified as one of the quartette seen leaving the shop."

"By someone who has already seen his photograph?"

"I agree. But what can one do, Mr. Prescott? We didn't show the witness just Foxy's photo—we let him see a few dozen—and he really makes his identification then. But I agree that when the witness has been shown a photograph it gives the defence a first-rate opportunity of attacking the accuracy of the later identification on the parade. Still, looking at all the evidence together, I felt convinced that Rourke was our man—he was picked out from the photographs, spotted on the parade, could give no satisfactory account of his movements on the day that mattered, and was in possession of such a lot of ready money that it seemed odds on that he'd found a fence and translated some of Mossy's diamonds into five-pound notes. It seemed to me that we'd enough to force him into the witness-box, and once there I felt sure that counsel for the Crown would have not the slightest difficulty in cross-examining him into a cocked hat."

"You seem to have changed your mind about it," I said. "Don't tell me that Foxy has been unjustly accused."

"I'm afraid he has, Mr. Prescott," said Drax despondently. "In fact I'm sure he has." His face brightened a little. "And yet, you know, I'm rather glad in a way. Rourke's a rascal as I very well know. I've got him a few laggings in my time, and yet, in a queer sort of way, I rather respect him. He's a professional to his finger-tips, Foxy is. One of the best petermen in the business. Foxy with a safe is like a virtuoso with a violin—he can nearly make it talk. And with the general lowering of standards these days it's very refreshing to pit one's wits against a real craftsman who has worked his way to the top of his profession. It's not much fun, you know, for a detective-officer to be sent out to investigate a slapdash, ham-fisted screwing job, which has obviously been done by some incompetent bungler. A case like that presents no problems—no challenge. It's just like a lawyer standing up to cross-examine some half-wit, who tells one lie after the other

and so goes floundering from the frying-pan into the fire. He discredits his witness but doesn't get a scrap of satisfaction out of doing it. But let him match himself against a witness who's really astute—someone who is brainy and quick-witted. If he can upset a person like that he must experience a sense of deep satisfaction. Now that's the sort of feeling I have about Foxy."

"I never realised how much you thought of him," I said. "Next time he asks me to make a plea in mitigation I'll suggest that he calls upon you to speak for him instead. But what's brought you round to the view that he'd nothing to do with the Nathan case?"

"Proof positive that he didn't do it," said Drax. "If you can spare five minutes I'll tell you all about it."

"You can have half an hour if you need it," I told him, "I'm not directly concerned with the case but it would give me a great deal of satisfaction to know that those who've been convicting Rourke before he's even been arraigned have been barking up the wrong tree. So fire away and tell me what you've managed to find out."

Drax lit another cigarette and settled down to tell me how he had been forced to the conclusion that in arresting Rourke for the robbery at Nathan's he had got hold of the wrong man. The money found under the floor-boards at Foxy's flat consisted of five-pound notes, the numbers of which the police had carefully recorded. It soon became apparent that the serial numbers on the bank notes corresponded with the numbers on some notes which had been stolen from a country house in Northern Ireland, which seemed to indicate at first that Rourke had been responsible for yet another housebreaking as well as the crime at Nathan's shop. In addition to the evidence afforded by the numbers on the notes, the police had found, at Foxy's flat, a pair of rubber gloves with a tear in the first finger of the right hand. Forensic evidence established that a small fragment of rubber, caught upon a splinter of wood protruding from a window-frame forced open by the person who had broken into the house, corresponded exactly with the tear in one of the gloves belonging to Rourke. Photographs of Foxy were then sent to Northern Ireland and it was

soon established that a man answering his description had stayed at an isolated inn, only half a mile from the scene of the robbery, for several days before the house had been broken and entered, and had left on the afternoon of the day on which the crime had been discovered.

"That sounds pretty conclusive," I said, when Drax had finished. "The Irish police have cleared up the country-house case. Rourke is obviously their man. But I don't see how all this rules out his complicity in the Nathan case. A man like Rourke could commit a dozen crimes in the course of a week if he'd a mind to."

"I know he could," said Drax. "I dare say that he often has. But I'd like you to explain, if you can, how a man can break into a remote country house on the other side of the Irish Channel between eight o'clock and twelve noon on a Friday morning, and rob a jeweller's shop in town here between the same times on the same day."

"So the two crimes were committed on the same day?"

"Yes. And so far as one can judge, at almost exactly the same time. Foxy, unconventional as usual, chose to break into the house during the forenoon. I don't doubt that he'd cased the place thoroughly first. Family away, the place left in charge of a deaf old housekeeper and a couple of maids—why, the house must have been a sitting target. And when one of the maids went out to the village and the other slipped down to the lodge to have a word with the lodge-keeper's son, with whom she'd been keeping company, the coast was left clear for Rourke. He's rather fond of wearing high quality rubber gloves when he's working—they obviate impressions and yet don't rob him of his delicacy of touch. Unfortunately, as he was getting into or out of the window he caught his left hand on a sliver of wood on the window-frame, which ripped off a tiny, irregular segment of wafer-thin rubber which corresponds exactly with the tear we noticed in the glove we found at his flat. The Irish case is sewn up, Mr. Prescott. Foxy's in the bag for it. But, of course, it's equally clear that he walks right out of the Nathan case at the same time."

“And what does Rourke say himself about this new allegation?”

“Admits it. Detective-Sergeant Byrne came over from Belfast and paid Foxy a visit in Runton, where he’s been on remand since he was committed for trial. Byrne put his cards on the table—told Rourke about the numbers on the fivers, the identification by the innkeeper and his staff, and showed him photographs of that damning little segment of rubber and of the torn glove into which it fitted so neatly. Rourke, who knows when he’s beaten, made a voluntary statement which amounts to a full confession, and now the fat’s in the fire with a vengeance. He’s held in custody for a crime here which he patently didn’t commit, and he obviously has to stand trial in Northern Ireland for a crime that he’s admitted.” He scratched his head with a rueful grin of bewilderment. “We’ll sort it out somehow, I suppose. The Chief’s going to have a word with the D.P.P. My guess is that he’ll be advised to offer no evidence when Rourke’s put up to plead in the Nathan case, and when he’s released he’ll be re-arrested immediately and taken back to Belfast. There, at any rate, he’ll have to hold his hand up, which means that he won’t be worrying me for some time to come.”

On the opening day of the assize I had to attend, with counsel, to see my fraudulent estate agent sent away into a long and involuntary retirement. He had for some time been financing an unsuccessful racing system by dipping into deposits which had been paid to him as stakeholder in connection with the purchase of local properties, and the money which should have been kept intact, in a separate clients’ account, had by now bought a new Bentley for a well-known bookmaker, helped to pay for his winter cruise to the Bahamas, and bought his wife a new mink coat. I thought that my client had been most inconsiderate in getting rid of his last penny in these ill-starred racing speculations before retaining me, for I was constrained, in the end, to defend him on a certificate issued under the provisions of the Poor Prisoners’ Defence Act.

As my client was to plead guilty, his case was disposed of on the opening day, for the practice is to clear the calendar of pleas, as they are called, before getting down to the serious business of

trials. The first day of the sitting was therefore a busy one, with about a dozen prisoners being put up to plead to indictments for offences ranging from bigamy to blackmail, and it was not until late in the afternoon that the defaulting estate agent made his appearance in the dock. He pleaded guilty to all counts, asked for fifty-seven cognate offences to be taken into consideration, heard counsel make a plea in mitigation, and was then sentenced to three years' imprisonment. There was the usual stir in the courtroom after sentence had been passed, which continued until my client disappeared down the steps, and then I heard the Clerk of Assize call the last case to be heard that day.

"Put up Francis Aloysius Rourke."

Foxy Frank stepped jauntily into the dock, the indictment was read to him, and he chirpily entered his plea of not guilty. The judge had risen and left the court while a jury was being empanelled, and when he returned the jurymen had been sworn and the stage set for the trial to begin.

Then counsel for the Crown got up, and in a few smooth sentences indicated to his Lordship that since the prisoner's committal for trial certain fresh evidence had come to the notice of the prosecution which indicated, quite conclusively, that the accused could have had no connection with the crime for which he had just been arraigned. In those circumstances those instructing him considered that no evidence should be offered, a course with which his learned friend, who appeared for the defence, not unnaturally concurred. Counsel for the defence bobbed a bow of acquiescence, the judge gave a short direction to the jury as a result of which they returned a formal verdict of 'not guilty' without retiring, and counsel for the defence asked that his client might be discharged. The judge murmured "So be it!" and Foxy Frank, wearing a cheerful grin, was allowed to go down the steps to the cells below. There, as I very well knew, Detective-Sergeant Byrne would be waiting to rearrest him and to take him away to stand trial for the country-house foray in Northern Ireland.

It was nearly five o'clock before I got out of court, and then I had a thirty-five-mile journey back to the office. At half-past

six I went across to the club to have a drink before driving home, and there, in the bar, surrounded by half a dozen members, stood Matheson. I noticed that he had a copy of the *Evening Gazette* in his hand.

"You're late this evening, sir," observed George the barman, as he poured out my drink.

"I know. Just got back from the assize court. It was well on into the afternoon before my client's case came on."

"Did I hear you mention the assize?" chipped in Matheson, who was standing only a few feet away. "What's happened to the Nathan case? There's not a word about it in the paper."

"I'm not surprised. Rourke wasn't put up to plead until just before five o'clock, which would be far too late for the news to get into the last edition. The case is over."

"Over?" said Matheson. "But I thought he was pleading not guilty. I thought the trial was good for at least a couple of days." Suddenly his face lit up with a smile of comprehension. "Oh! I see! So he held his hand up after all. That must be it, or the case would be part-heard. I hope the judge handed out a nice stiff sentence. I must say that the fellow richly deserved it."

"He didn't hold up his hand at all," I said, walking over to Matheson and the group around him. "He pleaded not guilty and he was discharged. The case is over and done with so far as Rourke's concerned."

"B—but I don't understand," said Matheson, his face darkening. "If he pleaded not guilty there must have been a trial. If he wasn't put up until nearly five o'clock there wouldn't be time to do more than open the case. Are you sure there isn't some mistake?"

"The only mistake was on the part of the prosecution. They got hold of the wrong man, you see. Counsel for the Crown said as much after Rourke had pleaded not guilty to the indictment, no evidence was offered, and he was discharged there and then. It just shows you, doesn't it, how dangerous it is to jump to conclusions? Most people seem to have convicted Rourke, in their own minds, from the moment he was arrested, quite forgetting that he'd not had time to say a word in his own defence."

"*Touché!*" said Dr. Brent, putting down his glass. "I'm quite prepared to admit, as a layman, that I thought the fellow was as guilty as sin. Illogical, I suppose, but then I haven't the legal mind. Mind you, Matheson here was of the same opinion. Weren't you, old boy? And as someone who has been practising in criminal courts all his life he should know what he's talking about."

"This time he was talking through his hat," I said. "Let's have another drink."

But Matheson ignored the invitation, banged down his glass on the bar counter, and stalked angrily out.

"You shouldn't have said that, you know," murmured Brent reprovingly. "The old man's as touchy as tinder."

"The old man's an ass," I said.

The unexpected end to the Rourke trial had surprisingly little impact on the town. Everyone had been anticipating a hotly contested case, with every twist and turn of the proceedings being faithfully reported in the *Evening Gazette*. But the case had collapsed so suddenly that the staff reporter who had been sent to the assize court specifically to cover it needed to do no more than record that no evidence had been offered and that the prisoner had been discharged. Those who had been closely following the course of the case had to content themselves with a couple of unexciting paragraphs, which naturally made no mention of the developments behind the scenes which I had had in confidence from Drax.

The case therefore did nothing for Weld's reputation as a criminal defender: the general feeling was not so much that he had won a victory as that the Crown had, for some reason, capitulated before battle had been joined. And those who hadn't the privilege of knowing what had led to the sudden surrender were left with the nebulous, dissatisfied feeling that Rourke had probably contrived to wriggle out of conviction by some specious technicality that no layman could be expected to understand.

The fact, too, that Matheson had proved a false prophet

seemed to be largely overlooked—at all events, I heard no one, apart from Pemberton, refer to the fact that the major had refused a retainer to defend someone who had ultimately been accepted by the prosecution as being completely innocent of the crime with which he had been charged. But I felt quite certain that it rankled in Matheson's mind that he should have turned over to the colleague he so much disliked a criminal case which had proved to be a winning one.

But whatever the major's inner feelings, he presented his usual assertive front to the outside world, and when I met him at the local Law Society's annual dinner, a week or two after I had told him in front of his friends that he had been talking through his hat, he greeted me with bluff geniality and asked me to have a drink. He and Uncle Chandos, in years gone by, had been fast friends, and between Matheson's firm and Prescots relations had always been extremely good. And it was characteristic of the major to like me none the less because I had spoken my mind and had, indeed, been rather rude to him in front of his cronies. Matheson was perfectly capable of being rude himself, and although he had stalked out of the club when I had repaid him in his own coin for what I had considered to be his foolish attitude towards the Rourke case, it seemed that his momentary irritation had simmered down and that he had restored me to favour.

"I was sorry to hear the news about Jim Sievier," said Laura Matheson. "What a pity he isn't coming." As a practising solicitor and her father's partner she was the only woman allowed to attend what would otherwise have been an exclusively male gathering of local lawyers.

"Sievier?" I said. "Not coming? He's down to propose the toast to the guests, and if he doesn't turn up someone is going to have the thankless task of making the main speech of the evening right off the cuff."

"I know. I saw the secretary a moment or two ago running around like an agitated hen trying to persuade someone to take over. He only got to know half an hour ago that his speaker wouldn't be here. Jim was on his way here when his car developed

a skid, collided with a tree, and he's been taken to Victoria Hospital with slight concussion. It's nothing serious, I gather, but he's to be kept in hospital overnight and to have another examination in the morning. In the meantime someone has to be found who'll make the sort of speech that will stand comparison with what we are likely to get from the judge."

Judge Jelf, whose circuit included our local court and the court over at Shelton, was a regular attender at the Society's annual dinners and was to respond, this evening, to the toast of the guests. A famous Lord Chancellor once said that there are three styles of speaking—the parliamentary, the forensic, and the after-dinner. He added, with characteristic and justified self-confidence, that he felt he had proved himself to be a consummate master of all three. Judge Jelf, never having been a member of the House, was precluded from putting in a similar three-pronged claim on his own behalf, but his abilities in the forensic and after-dinner departments were well known locally, and I was looking forward to one of his witty and light-hearted speeches in response to the toast which Sievier was to have proposed.

"There shouldn't be any difficulty in getting someone to take Sievier's place," said Matheson complacently, accepting another sherry from the tray extended to him by the waiter who was taking round the drinks. "Another Amontillado, Laura? No? Don't know where you get these abstemious habits of yours. You certainly haven't inherited 'em from me." He took a sip of sherry and resumed his theme. "After all, we're all lawyers, and the law is a game of words. And I should be sorry to think that any member of the society couldn't get up on his hind legs, at five minutes' notice, and make a decent after-dinner speech. In fact, my feeling is that the less one prepares a speech to be delivered at a dinner the better it's likely to be. One looks for some spontaneity, some lightness of touch, some wit and humour. Over-preparation usually means that one can smell the oil. And that's fatal on an occasion like this."

Laura gave me a serio-comic glance over the rim of her glass which I comprehended perfectly. It indicated that she knew, far better than I, how devoid her father was of that spontaneity

and lightness of touch he had been commending. Matheson's speeches after dinner had much in common with his speeches in the courtroom: they were characterised by boundless self-confidence, a booming delivery, and by a heavy humour of an unsubtle kind which often provoked a laugh from those who tended to laugh easily. But when he laid claim to a lightness of touch I found it difficult to keep my face straight, for his style was as pompous and ponderous as the man himself and he tore into his subject with about as much finesse as a charging rhinoceros.

I noticed the secretary bearing down upon us, with that expression of anxious *bonhomie* which organisers of social functions tend to wear when, at the last moment, their carefully planned arrangements have gone awry.

"I suppose you've heard the news about Sievier," he said. "I'm sorry about the accident, of course, but he's put me into an appalling hole about a speaker. I've had him laid on to propose this toast for more than a month, and now—at the very last moment—he lets me down. Not his fault, of course, but it's confoundedly annoying all the same. I'm looking for a volunteer. What about you, Matheson? As the most experienced advocate in the Society I think you should step into the breach. Come, now! May I tell the President that you're prepared to do it?"

I heard Matheson give a subdued grunt of gratification. I knew that to him the sweetest music would always be the sound of his own voice, and that to stand up in front of a gathering of sixty people—a gathering which included the County Court judge and the Recorder—would give him the chance of holding the centre of the stage, a position he was always prepared to occupy with unmitigated pleasure. I doubted very much whether that pleasure would be shared by those who were going to listen, for the major tended to be long-winded and was prone to go on *ad nauseam*.

"Not I!" said Matheson, with a smile which belied his words. He was obviously flattered by the invitation, and I felt sure that he would accept it, but I saw that he had determined to put on a show of diffidence which would make the favour, when he ultimately conferred it, all the more valuable in the secretary's

eyes. "Not I! Why on earth do you come to an old fogey like me? What about Prescott here? What about young Pemberton? Up-and-coming advocates, both of 'em. Either of 'em could make a capital speech, I'm sure."

"I dare say they could," said the secretary, with an expression which indicated that he didn't really believe it. "I dare say they could. But this is a special occasion, you know. His Honour is responding, and I feel that you—as a past-president of the Society and one of our most senior members—should be the man to step into the breach."

Here I thought that the secretary was being diplomatic. He knew perfectly well how easily Matheson took offence, and rather than face the prospect of seeing the major sitting at the top table like a bear with a sore head, putting a blight on those around him, he had obviously made up his mind to give him the opportunity of taking Sievier's place on the toast list.

"Well, you know," said Matheson genially, beginning to soften, "I'm getting rather long in the tooth for these after-dinner speeches. One of these bright young men would do it infinitely better. On the other hand, if you absolutely insist I suppose I shall have to help you. I take it that the President has asked you to approach me? After all, it's his party, and I feel that it's for him to say who's to be entrusted with the toast of the evening. Don't you agree?"

"I suppose you're right. I'd better have a word with him. I'm sure he'll be most grateful when he hears how you've agreed to help us out of the spot we're in. The trouble is that I haven't been able to get near him for the last fifteen minutes. He's been busy with the Judge and the Recorder ever since they came in."

The secretary moved away to the middle of the room where the president of the Society was chatting to his guests, and stood waiting on the fringes of the group for a convenient moment at which he could break in with the news that he had found someone prepared to speak in Sievier's place.

"Well, now," said Matheson genially, taking another drink. "What am I going to say? I could begin, perhaps, with a quip about our learned Recorder. How shall I put it now? 'I was

looking in my dictionary to-day when I came across the definition of a recorder. I saw that it was defined as a wind instrument with a flute-like tone.' How's that, Laura?"

Laura Matheson smiled dutifully.

"Then we have the registrars. Some reference to the fact that they tax our bills of costs might not be out of place. They tax our bills in the first place, then the inspector takes a slice of what's left under Schedule D, and the special commissioners assess the overplus to sur-tax. And so the poor old lawyer gets taxed three times over. How's that, my dear?"

"No, I don't think so," said Laura quickly, shaking her head. "I should keep it short, father, if I were you. After all, it isn't as though it was going to be a prepared speech. Say how very glad we all are to see the guests, welcome each one of them by name, work in one of your stories—just one, mind—and then sit down."

"Dash it all, my dear! I must do more than that. It's expected of me, you know. I dare say I shall be able to compress my remarks into about thirty minutes, but I don't see myself sitting down in less. I always remember a compliment His Honour paid me in responding to a toast I proposed a year or two ago. The judge is a Chancery man, as you know, and he was flattering enough to apply to me what was once said of Bacon—the great Bacon—sometime Lord Chancellor. 'The fear of every man who heard him was lest he should make an end.' I spoke for an hour and a quarter on that occasion, and yet, you see, it obviously wasn't a minute too much."

I didn't doubt that the judge had paid Matheson the compliment he had just recalled to mind, but it seemed to me that the major was probably quite oblivious of the judge's talent for gentle irony. I myself remembered that seventy-five-minute speech that had prompted His Honour's comment, and my only strong recollection of the occasion was of my thoughts at the time that the fear of every man who had sat and listened to Matheson's interminable flow had been that he might never make an end.

"Ah! He's coming over to thank you," I said, as I saw the president exchange a word or two with the secretary and then

detach himself from the little group around him and move over to us.

"Ah! There you are, Matheson!" said the president genially. "The secretary here has just been telling me about his difficulty in finding a speaker. I gather that you were good enough to say that you'd step into the breach."

"Certainly, Mr. President, if you wish it. Mind you, I've had a heavy day in court, and I thought myself that one of our younger members would probably do it far better than I. After all, one comes to the annual dinner to enjoy one's self, and to be perfectly frank with you I would have preferred to confine my attention to a good dinner, a bottle of wine, a cigar, and a glass or two of brandy, rather than be faced with the task of singing for my supper, so to speak, extempore."

"Quite right, Matheson! Quite right! It's high time that some of these bright young men of ours took a more active part in the society's affairs. You and I have held the centre of the stage for long enough, and it's time some of our younger members took a hand. Mind you, I'm perfectly sure that you would have proposed the toast admirably, my dear fellow. Quite admirably! And it was more than kind of you to say that you'd conquer your natural disinclination and give us all a treat. But it so happens that I needn't take advantage of your most generous offer. The secretary needn't have troubled you. When I heard of Sievier's unlucky accident I realised we should be without a speaker, and so I detailed one of our younger members to propose the toast in his stead. Didn't ask him to do it, mind. Told him, as president of the society, that he jolly well had to. Gave him no choice in fact."

"I see," said Matheson slowly, forcing an unconvincing smile. "Well, I can't say that I'm sorry to hear it. To deliver an important speech, right off the cuff, isn't easy, and it's only the fact that I've had so much experience at that sort of thing and a reluctance to let you down that made me fall in with the secretary's suggestion. Who's going to do it, then? Pemberton?"

"No. As a matter of fact I've arranged it with young Weld. He's a promising advocate, so they tell me, and the judge was

quite delighted when I told him of my choice. Says he's looking forward to the speech immensely in view of what he's seen of Weld in cases before him in court. Well, thank you again, my dear fellow. Thank you again. I hope to have another word with you later. In the meantime, I see that they want me for a photograph."

The president moved away, leaving me alone with Matheson and Laura. I could sense immediately a tension in the air. Five minutes earlier the major had been as high-spirited as a schoolboy, and had been bubbling over with pleasure at the prospect of making his after-dinner speech. Now his mood had changed. He gulped down the contents of his glass, called for another, and then began to drink in silent absorption, his thoughts whole worlds away from his daughter and me.

I went on chatting to Laura as though nothing had happened, but it was quite apparent that she saw the situation just as clearly as I. For all his faults, one couldn't help feeling rather sorry for Matheson: his conceit was immense, and yet his complete unconsciousness of it was so childishly ingenuous as to rob it of much of its unpleasant taint. And when the vast balloon of his self-confidence was pricked, as it had just been pricked in our presence, he lacked the self-control which would have enabled him to hide his feelings and showed in every line of him how much he had been hurt.

I knew that Laura Matheson was fond of her father, but I knew, too, that she had too clear a view of things to be blind to his many failings. I could see how concerned she was because of his disappointment—how sorry she was that he was temperamentally incapable of concealing that disappointment under a mask of light-hearted indifference—by a pretence that the choice of someone else to propose the toast was a matter of no importance whatever.

It was a relief when we were asked to move downstairs to the dining-room, and the three of us went down together. Fortunately for me, Matheson—as an ex-president of the society—had a seat at the top table, and I was therefore spared the ordeal of sitting beside him and watching him eat his dinner and drink

his wine in a state of abstracted gloom. I sat opposite Laura at a table on the extreme right of the dining-room, and as we were among some of the most junior members of the society we were soon infected by the hilarious atmosphere around us. By the time coffee had been served, and our glasses had been charged with some of the society's vintage port, most of the members present were in that relaxed, euphoric state of mind in which they were ready to laugh at almost anything. The president rose to propose the loyal toast, and after that the announcement came that we might smoke. The convention was that the president, on these occasions, provided the cigars, and I took a long Havana from the box which one of the waiters brought round, cut it carefully, lit it with the unhurried deliberation that a good cigar deserves, and settled down to listen to the speeches.

The president proposed the toast of the Law Society, coupled with the name of the council-member from London who had come down as the guest of the evening to add some metropolitan lustre to our small provincial gathering. Then the council-member rose to respond, thanked the president for the kind terms in which he had proposed the toast, thanked us for the cordial way in which we had honoured it, skilfully worked into the fabric of his speech half a dozen amusing stories, only two of which I had heard before, and having kept us mildly entertained for ten minutes or so he sat down to a round of applause.

The toast to the guests was generally regarded as the speech of the evening, and when the secretary, who was acting as toast-master, got up and called upon Weld, there was an anticipatory rustle as the audience settled into their seats to listen to what he had to say.

To say that his speech was a performance of outstanding brilliance would be saying too much—the man who can make a witty, after-dinner speech, which cannot be faulted, straight off the cuff, is a very rare bird indeed, and Weld's toast to the guests undoubtedly fell short of perfection. But there was no doubt whatever that his speech was a success, and that almost everyone thoroughly enjoyed it. It was as light as a meringue in texture, droll and ironic, cast in a mould that was all the

speaker's own; and the light-hearted humorous vein in which he spoke captivated his listeners from the first few words he uttered until the moment he sat down. There were no stories at second hand, none of the platitudinous passages which usually make one after-dinner speech so very much like another. The speech had the twin charms of originality and brevity, and when Weld sat down he left his hearers with the feeling that they would have liked to have heard some more. When one remembered that the speech could have had next to no preparation then one had to concede that the proposer had done very well indeed, and the few minor flaws caused by lack of preparation were more than outweighed by the spontaneity and lightness which pervaded all he had said.

When the toast had been drunk with acclamation Weld sat down to a generous round of applause. Laura Matheson had listened with obvious enjoyment to every word of the speech, and her reaction at the end of it was every bit as enthusiastic as that of those around us, who were lavish in its praise. Suddenly I looked from her flushed, excited face, still alight with the laughter that Weld had so skilfully provoked, towards her father sitting moodily at the top table. His was the only unsmiling face in the room, and he might, from his expression, have been listening to an oration at the funeral of his dearest friend instead of to the witty speech which had so captivated the rest of us. Most men, in a situation such as his, would have been clever enough to dissemble, to have given a few perfunctory plaudits, and then to have leaned over towards his neighbour and damned the speech with faint praise. Matheson not merely disapproved but was simple-minded enough to let his disapproval be seen by those around him, leaving everyone to infer that he hadn't liked the speech because it was a better one than he could have made himself.

Judge Jelf made the response to the toast in his best vein, beginning with some generous compliments about the way in which Weld had spoken, and after a richly diverting ten minutes or so he sat down and allowed us to begin the session of drinking and talking which, for most of the members, was the best part

of the evening. The annual dinner was the event at which one renewed old friendships and sometimes made new ones, and as the licensee of the Grafton always obtained an extension until one o'clock most of the members came to the dinner with the firm resolve that they wouldn't go home till morning—a resolution which many of them kept.

Soon after the speeches were over Harry Pemberton brought over Weld to have a drink with me, and after a word or two of congratulation on his speech I introduced him to Laura.

It was apparent from the first few moments of their meeting that they were going to get on well. Laura said how much she had enjoyed the speech, and said it in such a way as to leave Weld in no doubt whatever that she meant it. He, discounting her praise with a pleasant diffidence, nevertheless made it plain that her words of approval had pleased him. Pemberton called for some drinks, and in the desultory chatter which followed, the talk gradually began to flow in two channels: Pemberton and I somehow got on to the subject of racing, in which he was even more interested than I was, and by the time we had made our plans to go to a race meeting together a week or two later, Weld and Laura had quietly slipped into a conversation of their own. It was obvious to both of us that they found it interesting, and at last—our plans made—we both got up and moved over to the top table to have a word with the judge.

After we had been talking with him for a minute or two I happened to turn my head and I noticed Matheson, still in his seat at the top table, with a brandy glass in front of him and a cigar between his lips. He was staring towards the right-hand side of the room with the strained expression of the short-sighted man who needs glasses but, for one reason or another, doesn't choose to wear them. Suddenly I saw him fumble in the inside pocket of his dinner-jacket and take out a spectacle-case. He took out a pair of glasses and, without putting them on, raised them to his eyes after the fashion of a lorgnette. I saw that he was focussing on his daughter, and following the direction of his long, deliberate gaze, I looked at her myself.

She and Weld were sitting side by side and were chatting

away with a freedom and animation that would have amply justified the inference that they had been on a friendly footing for years. I saw Weld offer her a cigarette and light it for her. I saw him beckon to a waiter to order some drinks. I watched Laura's intent fade as she listened to what he was saying, and, as he paused at the end of it, I saw her face break into a smile.

When the president approached to say good-night to the judge we said good-night ourselves, and as we moved away I plucked at Pemberton's sleeve and motioned towards the couple we had left only a few minutes before.

"What do you think of that?" I said. "They seem to be getting on very well together."

"Like a house on fire. But just look at the old man. He looks as though he's going to hit the ceiling at any moment."

I turned my head again towards the top table. Matheson was still staring at his daughter, and it was clear from his expression that the prospect didn't please him. He suddenly picked up his glass, gulped down what remained of his brandy, ground the butt of his cigar into an ashtray, and then rose somewhat unsteadily to his feet. Then, without any attempt to take leave of those around him, he made his way along the top table and down the wing at the right-hand side.

As he approached his daughter she looked up and smiled, and as he was about to pass her she held out her hand as if to detain him—as if she wanted him to sit down and join her and the man sitting at her side. Weld, too, half rose from his seat, as if he expected Matheson to stop and exchange a few words.

I saw Matheson's lips move, but he didn't pause in his progress towards the door of the dining-room. I thought that he had probably muttered that he was going home, and left Laura to decide whether or not she would join him. Of Weld he had taken no notice whatever, moving past as though the younger man didn't exist.

I saw Laura shake her head in a little gesture of disappointment, shrug her shoulders resignedly, and then murmur something to Weld. He got up as she did and began to move with her towards

the door, but she spoke to him again and he paused irresolutely and allowed her to hurry out alone after her father.

"Bad-tempered old boor!" said Pemberton. "I know he doesn't like Weld, but that's no reason why he should ruin his daughter's evening just because she happens to be enjoying the fellow's company. A pity she didn't let him have his way and allow him to go home alone."

"I think she's very sensible in doing what she did," I said. "Matheson's eyesight is none too good, and with a good deal of drink inside him I shouldn't really think he's fit to drive that car of his home. If Laura does the driving he'll get there quite safely, and that's probably why she hurried after him in the way she did."

"She should have stayed," said Pemberton. "She was obviously enjoying herself, and it seems a pity that she should have left a couple of hours before she had to. She certainly seemed to be getting on very well with Weld." He turned towards me with a speculative, small-boy's grin. "I say! Wouldn't it be a lark if those two really hit it off together? The old boy would have a fit."

"I don't think lark is quite the right word," I said. "It might provide an amusing situation for you but it would be no joke for Matheson."

But when I thought about it again later, as I was driving home, the thought crossed my mind that if anything should come of that first casual encounter it might have the effect of ending the duel between Matheson and the man to whom he had taken such an immediate and illogical dislike.

That I should have entertained this pacific hope merely proved, yet again, that I didn't know Matheson. As I was soon to discover, war to him meant war to the knife.

8

ONCE Weld and Laura Matheson had met it was, I suppose, inevitable that they should meet again, for the offices of Matheson and Co. and Musgraves stood on opposite corners of South Kemp Street, and as the times of their arrivals in the morning and departures in the evening tended to coincide it was almost certain that there should be further encounters between them.

In the weeks that followed their introduction at the Law Society's dinner I gradually became aware that a friendship was ripening between them: once or twice, as I was going home in the evening, I saw Laura getting into Weld's car, I came across them together one evening at the theatre, and I sometimes saw Laura going into Musgrave's office at about six in the evening when a lawyer's day should be done. And what I observed myself didn't go unnoticed by others, for in a small town inquisitive eyes are everywhere to see what is happening and wagging tongues are always ready for endless speculation and conjecture about other people's private affairs.

"Weld and Laura Matheson seem to be seeing a lot of each other these days," said Harry Pemberton one evening, as we were having a drink together. "Saw them the other day at the Shelton Harriers' Point-to-Point. They were so intent on each other that I don't think they even noticed me. Laura had the contented look of a kitten that has just swallowed a saucerful of cream, while Weld looked as though he'd backed every winner on the card."

"I saw them myself," I said. "Had a word with them, too. I don't think they'd found any winners, but they both seemed to be having a jolly good time. I think Weld owes me a hearty vote of thanks, Harry. After all, it was I who introduced him to her."

"I know. I'm very glad you did. Laura's a damned nice girl,

and she deserves to find someone decent. Mind you, the old man's furious with her for seeing so much of him—he's furious, in fact, because she's seeing him at all. It's funny, you know, how the unexpected so often seems to happen. The old boy took an instinctive dislike to Weld from the first moment he clapped eyes on him, he's had his knife into him ever since, and then I'm hanged if his daughter doesn't set her cap at the very man he's been at war with. It serves the old fool right, to my mind. He's going to look rather foolish if he finds himself with a son-in-law in the shape of the man he's been calling too bad to burn."

"It would be a very good thing if he did," I said. "Laura's thirty-three or so at the very least, and if she doesn't get a move on she may find that she's missed the boat. The old man ought to be delighted that she's got hold of someone like Weld. He probably will be when he's reconciled himself to the idea of it. He's not a bad old stick in many ways, and—given time—I'm inclined to think he'll come round."

"I'll lay you any odds you like that he doesn't," said Pemberton emphatically. "My sister was telling me, only the other day, that he's doing everything he can to stop it. She and Laura were at school together, and as they still see each other pretty frequently I manage to keep well posted on all the news from the Matheson front. The old boy seems determined to drive a wedge between them if he possibly can."

"I don't fancy his chance," I said. "An affair of that kind thrives on opposition, and the more he tries to stop it the keener they'll become. In any event, Laura's a chip of the old block in many ways. She's a mind of her own, and I don't think she'll take it quietly, like a good little girl, just because Matheson's decided to play the heavy father. In any case, what can the old man do?"

"He can try to force them apart," said Pemberton. "My sister tells me that he's made some rather clumsy attempts already. Suggested, a couple of weeks ago, that Laura was looking rather run-down and peaky and stood in need of a nice long holiday. Wanted to send her away on a six-months cruise. The amusing thing was, as Mary said, that Laura's never looked better in her

life. When that cock wouldn't fight he tried another. Told her that he'd formed the view that the assistant solicitor who manages his branch office at Shelton wasn't up to the work, and suggested that Laura should go over there to replace him. The idea was, I suppose, to prevent her from popping into the office over the way whenever she had a mind to, as she tends to do at the moment, and to put a few miles between them during the day. Laura pointed out that the fellow over at Shelton had done his work perfectly well for the last ten years, and that she didn't propose to budge from South Kemp Street. What the next move will be I don't know, but it's a pretty safe guess that it will be something obvious, clumsy, and ineffectual. In any battle of wits between those two, my money's on Laura."

It was all very well for Pemberton to laugh about the major's ineffectual methods of cutting short an association which so violently displeased him. A dogged refusal to accept defeat was a dominant trait in Matheson's character, and I felt sure that if one line of attack failed he would choose another, and go on doing so until he hit upon some way of weaning his daughter away from Weld. But even I wasn't prepared for Matheson's next move—a move which proved, when it came, that he was prepared to go to any lengths to drive out his younger colleague. There was a small brass plate bearing Weld's name outside the door of Musgrave's unpretentious office, and the office stood on the corner directly opposite the neo-Georgian magnificence which housed Matheson and Co. I had often thought during the last few months how much that shining square of polished brass must have irritated the major, standing as it did like a flag waving defiance from the enemy's lines. Matheson could hardly help seeing it whenever he went into or out of his office, he could see it as he looked out of his windows, it blazoned Weld's name before him morning, noon, and night.

To meet his colleague in court, to hear his name crop up in casual conversation, to see him from time to time passing up and down South Kemp Street, were all things which were calculated to fray Matheson's always uncertain temper, but I felt that Weld's name-plate must be the greatest irritation of all. It was never

out of sight and probably rarely out of mind, and I often thought that if Weld's office had lain in a different part of the town its tenant would have had a far less provocative effect upon the major. As things were, Matheson not only had a rival but a rival who flaunted his firm-name in the old man's face. And I had good reason to believe that this state of affairs would continue for many years to come, for the block of property at the corner of South Kemp Street in which Weld's office stood belonged to old Timothy Sanderson, who was a client of ours, and Timothy tended to leave his tenants severely alone so long as they paid their rent promptly and didn't plague him too often about the execution of external repairs.

Old Musgrave had been a tenant of the office for thirty years or more, holding the property from year to year and never troubling himself about a lease. Weld, on taking over Musgrave's practice, had succeeded to the yearly tenancy, and—like the wise man he was—had immediately tried to persuade Timothy to grant him a ten-years' lease. But the landlord, who was a crusty old man of fixed ideas, said that he didn't hold with leases; all his other tenants held from year to year and he didn't see why Weld shouldn't do the same. And so a lease was never granted, and Weld had no alternative but to hold on to his yearly tenancy and console himself with the thought that if a notice to quit should be served he had the right to apply to the local County Court, under the provisions of the Landlord and Tenant Act, for a new lease to be granted to him.

The thought that Timothy might sell never crossed my mind until Keble, our senior conveyancing clerk, happened to mention one morning that he'd received instructions to act in the sale of the South Kemp Street property, that a price had been fixed, and a purchaser found.

"I suppose it's Mr. Weld," I said. "As the sitting tenant he's about the only person I know who would be likely to buy, and as he's drawn a blank about a lease I suppose he's decided to get some security of tenure by agreeing to purchase. What price is he giving? I dare say that Old Timothy will have made him pay through the nose."

"I don't think Mr. Weld is concerned, sir," said Keble. "If he were I should have been told to send the contract over to him. As it is, Mr. Sanderson said that I was to send it to Matheson and Co. It must be a client of theirs."

"You don't know who the purchaser is, then?"

"I'm afraid I don't, sir. Birtwistles negotiated the sale, you see. Went along to see our client and said that they had someone who was interested in his office-block at the corner of South Kemp Street, and that they were instructed to try and buy it. Well, Mr. Sanderson wasn't too keen to sell—you know what he is, of course—but in the end the estate agents made him such an attractive offer that he'd have been a fool to have turned it down. I got out a contract only this morning and I don't doubt that it will come back signed in a day or two, together with a cheque for the deposit, and then we'll be able to see who the purchaser is."

When the contract came back, two days later, I looked at the memorandum and saw that the purchaser was Matheson himself. It seemed a little odd that he should be buying investment property, but I remembered that Weld had the right to apply for a new lease under the provisions of the Landlord and Tenant Act, and it never occurred to me that the purchase had been made with a view to getting him out. Two or three weeks later the conveyancing was finished: Timothy pocketed five thousand pounds less the costs of deducing title, perusing the draft conveyance, and completing, and Matheson became the owner of the property which stood directly opposite his own. Now Weld was not merely his rival but his tenant, with the obligation to pay his rent half-yearly to his colleague across the way. The new relationship, I thought, was pregnant with possibilities, and I sat down to wait and see what was going to happen, feeling certain in my own mind that Matheson's first move would probably be an attempt to raise the rent.

But when Weld came in to see me a week or two after the matter had been completed I realised very quickly that, in purchasing the property, Matheson had not merely been making an investment but had been striking another blow in his campaign against the owner of that provoking brass plate.

"Wish old Sanderson had told me the place was in the market," he said. "It would have been a tight squeeze, but I dare say that I could have prevailed upon that old aunt of mine, who helped me to buy the practice, to lend me enough to fasten it. I think that I could have borrowed the balance on mortgage. What did old Sanderson get, by the way?"

"Five thousand," I said.

Weld gave an incredulous whistle. "Five! That's a thousand more than it's worth. My God! It's amazing, isn't it, what some people will do to gratify a grudge? Well, at that price I shouldn't have had an earthly, even if I'd known it was on the market. I don't suppose I need tell you what I received from my new landlord by this morning's post."

"A notice to quit?" I ventured.

He nodded. "Yes. In a little over six months I'll be out on my neck."

"Surely not!" I said. "He's served that notice to quit with the object of putting up the rent. If he says he wants possession you can apply to the County Court for the grant of a new lease. The rent may go up, of course, but I don't doubt that the judge will let you stay where you are and grant you some security of tenure into the bargain."

"You haven't read the notice," said Weld. "It states quite plainly that my new landlord would oppose the grant of a new lease and that he requires possession of the premises for the purpose of radical reconstruction. That, as you know, entitles him to possession on the expiration of my notice. He's not only prepared to purchase in order to winkle me out, he's been willing, in addition, to adopt a scheme of reconstruction that will put paid to any claim I might have had to stay there. It's quite obvious that I shall have to look for somewhere else."

I had to concede that it wouldn't be an easy matter to find alternative accommodation in the centre of the town: office properties were in short supply; Weld needed half a dozen rooms, preferably upon a ground floor; and I knew that it was going to be difficult to find them. On the other hand, suites of offices, scarce as they were, did come onto the market occasionally, and I felt

little doubt that Weld, if he went the right way about it, would find the accommodation he so urgently required.

"You'll have to start looking around straight away," I said. "Have a word with the agents, to begin with. It's a pity that you'll have to leave South Kemp Street, because it's so handy for the court, but I feel sure that you'll find somewhere suitable if you try sufficiently hard."

"I'll try," said Weld, a trifle despondently. "Mind you, there are times when I wonder if the game's worth the candle. Sometimes I feel tempted to let old Matheson have his way, to get out of here, and to put up my plate somewhere else. I've even thought of taking a post as a tame solicitor in industry. I dare say that I could drop into a post at a couple of thousand a year easily enough and abandon the notion of establishing myself in private practice in a town that doesn't seem to want me."

"It isn't the town that doesn't want you," I said. "Matheson, I agree, has been doing his best to down you ever since you came here, but I'm hanged if I'd let one man interfere with the career I'd set my heart on. He's been spoiling for a fight ever since that first brush you had with him in front of the licensing justices. Well, if he wants a fight let him have it. If he winkles you out of South Kemp Street put up your plate somewhere else. And if he keeps up this senseless campaign of his, fight back every inch of the way. Hang it all, man! You mustn't throw in the towel at this stage. You've any amount of ability, and if you're prepared to hang on and fight him I'm certain that you'll win through in the end."

"Perhaps I will," said Weld wearily, without a trace of conviction in his tone. "Perhaps I will. But this childish vendetta of his is so damned undignified. It's none of my doing, as you know, but one thing leads to another. He won't accept my undertaking to discharge a mortgage on completion of a conveyancing matter, which means that I can't accept his. If I ask for an extension of time for delivery of a pleading in a High Court action he refuses it out of hand, which means that when he wants an extension from me he doesn't get it either. It's tit for tat, all along the line, with petty provocation on his side being answered by

petty reprisal on mine. We're behaving like a couple of children instead of acting like two officers of the court. I'd put an end to it to-morrow, if he'd let me, but it's perfectly plain that so far as he's concerned it's war to the knife."

"If he wants war let him have it," I said. "When it comes to a clash in court you're more than a match for him, you haven't emerged too badly from the fights you've had so far, and the sympathies of the profession are solidly behind you. Once you let him see that you're prepared to hold your ground this childish campaign of his will be over. He'll bow to the inevitable and face the unpalatable but undoubted fact that you've arrived—and that you're here to stay."

"That's your reaction," said Weld. "Between ourselves, Laura's mind seems to work in exactly the same way. She's a chip of the old block in many respects, and she certainly isn't short of her father's fighting spirit. But I happen to be cast in a very different mould, you see. You may think I'm spineless, but to me the thought of taking part indefinitely in this soul-destroying cycle of provocation and reprisal is absolutely appalling. I'd far rather call it a day, put up the shutters, and move on somewhere else. If the old man is so desperately anxious to be left in possession of the field then I've half a mind to let him have his way and to throw in the towel. What am I fighting for, after all? Merely the right to earn my living by practising the law. And I can do that perfectly well somewhere else, without this unbecoming, undignified duel that he seems to have set his heart on."

When Weld had gone I found myself reflecting upon what he had said, and—for the first time—I had serious misgivings about the outcome of his struggle with Matheson. The major, whatever his failings, was as tenacious as a bulldog: once battle was joined, in court or out of it, he would never cry quits until the fight was over. He was prejudiced, arrogant, and rude; he was vain and self-important; but I couldn't resist a grudging admiration for the single-minded determination with which he set out to get his own way—however misguided his motives. Weld, on the other hand, despite intellectual abilities which were far superior to Matheson's, lacked the coarse-grained, combative

spirit with which his older colleague was so liberally imbued; and I could see that he was fast becoming heartily sick of the senseless struggle in which he had unwittingly become involved. Still, it was clear that Laura could be relied on to support my exhortation to fight back, it would be six months or more before the notice to quit expired, and in that time some other suitable offices would surely become available.

But as week succeeded week it became clear that Weld was taking an unconscionable time to find them. I continued to see him regularly, usually at court, and whenever I met him I never failed to ask how he was faring in his search for a new set of chambers. He told me time and again how he had seen premises to let which, at first, had seemed likely to meet his requirements, and how—when he had opened negotiations—unexpected difficulties had suddenly cropped up. He gave me the impression that the stumbling blocks placed in his way had got there fortuitously, but as time went on I came to the conclusion that Matheson, behind the scenes, was doing his best to debar him from taking a lease of such limited accommodation as there was available.

Weld's first approach had been to Pinkertons, a firm of local estate agents specialising in the sale and letting of business premises, with at least half a dozen suites of offices always on their books. I gathered that Pinkertons, at the outset, had seemed quite optimistic, and had issued Weld with a permit to view some rooms in Church Street which seemed suitable in every way. When Weld had intimated that the accommodation would probably suit him, and had opened negotiations regarding the rent, the agents had suddenly and unaccountably lost interest and told him that their clients the landlords weren't prepared to let the premises for use as legal offices after all.

Weld appeared to have accepted this change of heart as being perfectly genuine, but my own intimate local knowledge of professional affiliations, which arose from my having lived in the town all my life, prompted the suspicion in my mind that Matheson had probably had a word with one of the partners in Pinkertons and had dropped the hint that Weld, as a tenant, might prove unreliable.

Matheson, as the senior partner in one of the oldest and largest firms in the town, was in a position to place an immense volume of work in Pinkertons' way if he'd a mind to. Only a day or two after Weld had confided that his negotiations with the agents had fizzled out I saw Matheson and Hubert Pinkerton lunching together at the Grafton Hotel. On Wednesday evening, of the following week, I read in my *Evening Gazette* that Pinkertons had been instructed by the trustees of a wealthy local landowner, who had died only a few months before, to offer for sale by public auction a valuable parcel of shop properties in the centre of the town. As Matheson was one of the trustees, and his firm was referred to in the advertisement as the solicitors acting in the sale, it seemed that the major had put the agents in the way of earning some heavy auction-sale commissions, and I couldn't resist the uncharitable conjecture that perhaps Pinkertons had spiked Weld's guns by way of an anticipatory *quid pro quo*.

It only seemed to dawn on Weld's unsuspecting mind that Matheson might be behind all the difficulties he was experiencing in his search for accommodation when the old man's hand began to be seen more directly. I happened one day to be in the offices of Birtwistle and Co., a firm of estate agents with which Prescotts had always done a good deal of business, and I mentioned to one of the partners that a friend of mine was on the look-out for a suite of half a dozen rooms for the purpose of carrying on a legal practice. Young Birtwistle told me that he had on his books a set of rooms which seemed to be exactly what I wanted, and I sent Weld along to see them with the feeling that the accommodation problem had been solved at last. The negotiations, to begin with, went on happily enough: a rent was fixed, the main terms of the tenancy were hammered out, and it was not until the lease had been drafted that the first cloud appeared on the horizon. The premises which Birtwistles had to let were subject to a mortgage, and the mortgage contained the common-form proviso that the right of granting a lease of the mortgaged property was not to be exercised without the consent in writing of the mortgagees. Application was made for the necessary permission—a permission which one would have thought would have been

readily granted in respect of a lease to a respectable and responsible tenant. The application was refused out of hand, and when I discovered that Matheson and Co. were the solicitors to the mortgagees it was not difficult to understand why.

In a small town the roots of a large legal practice strike deep, and an extensive professional and lay clientèle often has enormous ramifications. Apart from the large number of property owners for whom they acted, Matheson's firm maintained close and valuable contacts with most of the local auctioneers, estate agents, architects and surveyors; as a firm dealing with a great many wills and trusts they always had very large funds available for loan on private mortgage; and there were very few sites in the centre of the town with which they hadn't some kind of connection. In some cases they acted for the owners, in others for the mortgagees, and if they were not concerned with any particular site directly, the probability was that they had some close affiliation with the estate agent who managed the property in question. In addition to all this, Matheson himself had friends in all the quarters which really counted in the running of local affairs, and I knew very well that a word to one of his cronies was capable of having far-reaching repercussions upon the private affairs of a third-party who neither knew nor suspected that the word had been spoken.

Apart from the move to oust his rival from the office in South Kemp Street, and the efforts to prevent his finding alternative accommodation elsewhere, Matheson continued to wage his campaign against Weld with every weapon in his armoury. Before his colleague's election to the club Matheson had visited it only rarely: once Weld had become a member, however, the major exhibited a sudden resurgence of interest in club affairs, began to come in regularly, and because of the *bonhomie* and charm, which he knew how to turn on as easily as one turns on a tap, he was always certain of a welcome. Weld, on the other hand, despite the composure he always showed in court, was not a good mixer: he tended to be quiet and reserved in manner until one got to know him well, and obviously found it difficult to drop into a free-and-easy social relationship with casual acquaintances.

In addition to all this, a visit to the club was likely to involve him in a meeting with Matheson, and as the major could be relied on to cut him dead in any chance encounter there was always a tense and uncomfortable atmosphere when the two men found themselves in the same room together, even though they took good care to remain at opposite ends of it. †

And so, as Matheson came into the club more and more often, Weld's occasional visits became more infrequent than ever, until the point was reached when the younger man conceded the field to his rival and stopped coming in at all. This disinclination to carry on what he obviously regarded as an unbecoming struggle was typical of Weld—he had great ability, a quiet but undoubted charm of manner, but he had no fighting spirit whatever in a cause which didn't engage his interest; and I knew that the vendetta with Matheson didn't engage his interest at all, even though the outcome of that struggle was vital to him. Matheson, on the other hand, loved a fight, and once he had begun to carry the battle to his rival I sensed that he was enjoying every minute of it.

"You know, I'm beginning to wonder whether Weld is going to win this battle of his with Matheson after all," said Basil Montague one day. We were robing in the solicitors' room preparatory to going in to do a little county-courting before His Honour Judge Jelf. "To begin with I felt quite confident that he would. Now I'm not so sure. More than once just lately I've had the feeling that it wouldn't need much more to make him throw up the sponge and call it a day."

"I've had the same thought myself," I said. "It won't be very long before the old man has winkled him out of his office in South Kemp Street, he's so many affiliations with brewery companies that Weld doesn't get a look-in with any really important licensing, and he's tied up so closely with the insurance interest that he gets the lion's share of local motoring cases as well. He's firmly entrenched, and he doesn't intend to give up an inch of ground. What's more, he'll stop at nothing to prevent Weld getting a foothold in what he's pleased to regard as his own sphere of influence."

"But why is he doing it?" said Basil. "He's an enormous practice, any amount of money, and he's reached the age when he's due for a little free-wheeling. Why on earth should he begrudge Weld whatever he can legitimately get hold of? Most well-established firms will go out of their way to give a helping hand to a promising youngster. Matheson has consistently tried to down him."

"He's doing it for a variety of reasons," I said, "none of which has any logical foundation. If one tries to evaluate the old man's attitude in common-sense terms one simply can't do it. I believe his animosity is built up of an amalgam of instinctive and violent antipathy, jealousy based on a realisation that Weld is a cracking good advocate, and fear that Weld may displace him in the popular mind as the local Marshall Hall. On top of all that one has to remember that first encounter, when Matheson behaved like an utter fool, the fact that Weld put up his plate nearly on the old man's doorstep, and the further fact that—to use Matheson's own phrase—he robbed him of Seaton. Add to all that the meeting with Laura, and the friendship of which her father so violently disapproves, and you get something approaching the virulence of a Corsican vendetta. Mix all these ingredients together, stir well around in a prejudiced and somewhat illogical mind, and you're left with an unpleasant psychic sludge in which an eminent psycho-analyst could dredge around happily for hours."

"I suppose you're right," admitted Basil. "His motives are mixed and they're instinctive rather than rational. If he'd thought the thing out carefully he'd have realised that he's nothing to fear from Weld. It isn't the high-powered academic lawyer who impresses the lay client. A brilliant submission on a point of law is usually so technical that the layman doesn't understand it. The technical approach leaves him cold. What the average client loves is a lawyer who looks the part—someone with one or two parlour-tricks of the kind old Matheson goes in for. The dispassionate, objective, almost diffident style is all very well for counsel appearing in front of the Court of Appeal. When the British working man retains an advocate to represent him in a magistrates' court he appreciates a more florid, full-blooded type

of advocacy. He likes to see his solicitor pitch into his opponent in cross-examination, he likes to listen to a forceful, fighting speech, and so long as he comes out of court with the feeling that he's been in a battle, with no holds barred, he's usually quite satisfied. Measured by that sort of yardstick, Matheson's the number-one jockey round here and there's no doubt about it."

"I agree," I said. "The lay client's the worst judge in the world, and he bases his opinion on superficial impressions rather than on the technical appraisal that only a trained legal mind can give. I remember taking Miss Trent down to court one morning so that she could make a shorthand note on a motoring case, and before it was reached she had to sit and listen to half a dozen other cases in the list. Weld was defending in one of them—a complaint by a local authority that someone had erected a temporary structure within the last six months contrary to the local bye-laws. He sat and listened quietly to the prosecution evidence, didn't ask a single question in cross-examination, and appeared to be taking no interest whatever in the proceedings. Then he called his client and a couple of corroborative witnesses to prove that the offending structure had not been erected in the last six months but more than a year ago. The defendant produced the contractor's settled bill and his own paid cheque to prove it. After that Weld simply got up and made a short submission to the effect that the justices couldn't convict because the complaint hadn't been made within six months of the structure having been erected. He cited the Summary Jurisdiction Act, sat down, and the magistrates dismissed the summons without retiring. Weld did the whole thing perfectly, didn't waste a word, and the case was over and done with inside ten minutes.

"After that came Matheson, defending in a motoring case. He made his usual ceremonial entrance, bully-ragged the prosecution witnesses unmercifully, objected to a sketch-plan prepared by a police witness, challenged the admissibility of a voluntary statement made by his client, had a brush with the magistrates' clerk because he would insist on asking leading questions in chief, and irritated the Bench by taking ninety minutes to deal with a case that could have been finished quite easily in thirty. When

the magistrates found the case proved and fined the defendant twenty-five pounds Matheson jumped up, told 'em he proposed to lodge notice of appeal, and then stalked out of court, with his client behind him, as though he had been mortally affronted by a gross miscarriage of justice.

"When we got out of court and were walking back to the office I asked Miss Trent what she thought about the cases she had heard that morning. 'What a fighter Major Matheson is,' she said. 'I know his client was convicted, but no man could have fought harder. I think he did the case magnificently.' Well, I couldn't blast the poor girl's illusions and tell her that in defending his unfortunate client the old man had made just about every mistake in the book. 'And what did you think about Mr. Weld?' I asked her. 'Mr. Weld?' Do you know, she'd no idea who I meant. I reminded her about that neat little acquittal in the Corporation case. 'Oh, that!' she said. 'I'm afraid I didn't take very much notice. I saw that the defendant got off, but it seemed to me that the solicitor who defended him hadn't very much to say for himself, and what little he did say wasn't very exciting. No, if I were in any kind of trouble and needed someone to defend me I'd go straight to Major Matheson. It gives one confidence just to look at him. That man's a fighter to his finger-tips.'"

"There you are!" said Basil. "One man wins a case quietly and efficiently and his victory goes almost unnoticed. The other man loses inefficiently but flamboyantly and enhances his reputation by the defeat. There's no justice in this game—no justice whatever."

The court usher knocked on the door and came bustling into the solicitors' room.

"His Honour is about to take his seat in court," he announced, according to custom. "Are you gentlemen ready?"

"Just coming in," said Basil, picking up his papers. "I'm first on with Mr. Prescott here in the possession case."

But as I walked out into the corridor I found myself thinking not about the case in which Basil and I were soon to be opposed, but about the outcome of the battle which was being fought from

the offices on opposite corners of South Kemp Street—the battle between Matheson and Weld.

I took my seat in the courtroom, stood up and bowed as Judge Jelf came in, and soon found myself engaged in a struggle of my own. After five minutes my colleagues up the street might have been a thousand miles away for all I cared. I was thinking of only one all-absorbing thing—my case.

9

THAT success should be exploited is one of the principles of war, and now that the fight had begun to run in Matheson's favour he pressed home his advantage in the fashion of a man who was determined to crush his rival completely. He had stemmed the flow of work from insurance companies in road-traffic cases, had contrived to discourage Weld from visiting the club, and was on the point of obtaining possession of his office premises. One would have thought that the major, having achieved all this, would have relaxed his efforts to drive his colleague out of practice, but I soon became aware that Matheson's activities were being continued as remorselessly as ever.

Weld had more than once confided to me that he had been induced to make a bid for Musgrave's practice because, run-down as it was, there still remained one or two solid planks upon which to build. The firm had, for many years, acted as solicitors to the Shelton Estate Company, which had been incorporated some sixty years before to develop a few hundred acres of building land on the outskirts of the fishing port nearby. A large proportion of old Musgrave's income had been derived from the steady flow of work which had come to him as solicitor for the company: building plots were constantly being disposed of on long leases, from time to time the company sold off some freehold reversions, and there were frequent requests by leaseholders for modification or release of restrictive covenants. All this meant work for the company's solicitors, and when Weld had succeeded Musgrave he had inherited this welcome flow of what lawyers are prone to call bread-and-butter work, which gave him the sheet-anchor of a small but certain income. The estate-company work largely paid his rent, his rates, and the salaries of his staff, and provided a solid foundation upon which the practice could be built up and expanded. Weld's plan, as he had often told me, had been

to develop the common-law side of the practice by getting into court as often as he could, leaving the routine estate-company work in the hands of Dawson, a senior conveyancing clerk, who had it at his finger-tips.

Then, too, there was John Tovey, a speculative builder, who had stuck loyally to Musgrave for more than twenty years, and had remained faithful to the firm since Weld had taken over. A builder client can be a weighty asset to a small provincial practice: if the builder puts up no more than sixty houses a year it assures the solicitor acting for him of one conveyancing transaction a week, and as the houses on a building estate usually have a common title the work is often simplicity itself. And so Tovey must have been of cardinal importance to Weld, and—as I once heard him put it—the Shelton Estate Company provided the bread and butter and Tovey's building work provided the jam.

These two clients alone had made old Musgrave's practice worth buying, and Weld had told me that he would never have been tempted to take it had it not seemed likely that their work would continue to come his way. That this support could be relied on seemed extremely likely: Dawson, Musgrave's conveyancing clerk, remained with the firm; neither Tovey nor the estate company gave any indication of taking their work elsewhere after old Musgrave's death; and they had continued to be clients of the practice during the period of its supervision by Pembertons and stayed firmly rooted to it afterwards, when Weld had purchased the goodwill. So long as he kept a firm hold on these two sheet-anchors I always felt confident that Weld could make a living, and the relationship between clients and firm had been such a long and intimate one that the inherent vulnerability of the practice never crossed my mind.

Then I read one evening in my *Evening Gazette* that a large local property company had successfully completed one of those cannibalistic commercial pounces that have come to be known as take-over bids for the assets of the Shelton Estate Company, and Weld lost a quarter of his practice overnight. The Shelton Estate work was transferred at once to the solicitors who acted for the acquiring company, and the fact that they happened to be

Matheson and Co. couldn't have made Weld's loss any easier to bear.

Only a week or two later all Tovey's valuable conveyancing work went the same way. For some years old John had been developing what was known locally as the Hillhouses Estate, but when there was no more land left at Hillhouses for the neat brick boxes which sold so readily at two thousand five hundred pounds apiece the old builder had to look around for pastures new.

Matheson, who acted for a large number of local landowners, was in a position to influence his clients in deciding to whom any building site was to be sold, and—with the shortage of land at famine level—Tovey suddenly changed his allegiance to the solicitor who could put him in the way of purchasing some more of the building plots he so urgently needed.

I was having a drink with Weld in the Queen's Head one evening, before going home, when he told me of the old man's defection.

"I must say that I'm surprised at Tovey," I said, when Weld had finished. "After all, he's been with your firm for a very long time."

"I'm not surprised and I can't really say that I blame him. At least he had the decency to come along and tell me all about it. J.T. has every bit as much regard for the old loyalties as the next man, but he simply had to get hold of the land at High-furlong or see his building business come to a full stop. Matheson was in a position to get it for him. I wasn't. And really, you know, he'd nothing to lose by giving the work to Matheson. The old man's got a first-class conveyancing staff, the work will be done efficiently, and it makes very little difference to Tovey which firm does it. I'm satisfied that he would have stayed with me if he could, but as staying with me might have meant his losing the land he'd no option but to throw me overboard." Weld drained his glass and put it down on the counter. "Well, that's how it is. There's not a thing I can do about it. I shall just have to soldier on."

"It's a pity that you couldn't get the Law Society to sift the

whole business thoroughly," I said, nodding to Nancy behind the bar to bring us another drink. "I can see, of course, that there's nothing they could really get their teeth in. You know and I know that Matheson's attracted Tovey's business unfairly, but it would be the devil's own job to prove it. What have we to go on, after all? Some polite hints and vague suggestions thrown out by an estate agent at a private interview—hints and suggestions that he would obviously deny if he were ever taxed with making them. No, there's nothing one could prove conclusively, but if one looks at the background closely the whole thing stinks to high heaven."

"I know. And so far as I'm concerned, the loss of Tovey looks like being the last nail in the coffin. I'll soon have to get out of the office, as you know, and I can't seem to find anywhere else. I've lost the Shelton Estate work, and now I've lost Tovey as well." He grinned at me ruefully over the top of his glass. "All things considered, it's probably for the best that I haven't managed to find some other premises to take my practice to. As things are, I soon won't have any practice left."

"There's always the court work," I said consolingly. "That should suffice to keep you afloat."

"Court work!" Weld laughed harshly. "There's precious little of that around these days. Matheson's got a monopoly of the licensing, and he's seen to it that the insurance companies have put up the shutters so far as I'm concerned. It's true that I get my fair share of criminal work, but that's no more than a sideline. No, it very much looks as though I shall have to take down my plate, throw in the towel, and give Matheson best. He's wanted me out of the way since the day I came here, and I've just about reached the point when I feel like letting him have his own way."

"But you can't throw away your livelihood just like that," I protested. "You'll have to hang on and hope that things will take a turn for the better. There's nothing else you can do."

"There are lots of things I can do," said Weld quietly. "How do you see me as a tame solicitor working for a salary for some commercial firm? Regular hours, no worries, and a salary cheque

paid in unfailingly on the first of every month. The prospect's a damned sight more attractive than carrying on this absurd campaign with Matheson. It's none of my doing, as you know. I'd be prepared to shake hands and to bury the hatchet here and now if the old boy would let me. But he's got a pathological dislike that won't let him rest until he has me down and out, and with complete victory just round the corner he's not likely to draw back now."

"And what does Laura say about all this?"

"She's just as cut up about it as I am, but we don't see eye to eye about what should be done. She's dead against my calling it a day and leaving the field to her father. She wants me to go on fighting, no matter how heavy the odds. Keeps telling me, like you, that things will take a turn for the better, and seems to think I'm spineless for even thinking of packing up the practice. She's plentifully endowed with the old man's fighting spirit, believe me. She can't see that I hate this damned silly vendetta of his—it's childish, undignified, and I want to have done with it, no matter what it costs."

"Well, it's your decision," I said. "I can understand how you feel. On the other hand, I can see Laura's point of view as well. It's understandable that she should want you to stand up to her father—to give him the fight he seems so anxious for. She's a chip of the old block in many respects, and—look at it how you like—to pull down your plate and go out of practice will look uncommonly like a confession of failure."

"It won't merely look like failure, it will be," admitted Weld. "But what does it matter, after all? The sort of battle I've been having with Matheson leaves me cold—I've never wanted it and I haven't enjoyed it. He, on the other hand, has thrown himself into it heart and soul—God knows why—and I suspect that he's going to be sorry when it's over. In fact, when he gets me out of the way it wouldn't surprise me a bit if he looks around for some other target to tilt at. He's the sort of man who can't be happy without a fight on his hands."

We finished our drinks, walked out into South Kemp Street, and said good night. As I drove home I found myself mulling

over in my mind all that Weld had told me. It really looked as though we were reaching the closing stages of Matheson's long campaign. Weld would soon be out of his offices, his clients were dropping away, and the court work he was doing was manifestly insufficient to keep his practice afloat. Worst of all, it was quite apparent that Weld had lost heart: I knew that the struggle had been repugnant to him from the beginning, and now—when it looked as though it would soon be impossible for him to make ends meet—he was clearly ready to capitulate completely.

But I suspected that if he lost his fight with Matheson he would probably lose Laura too. She was, in many respects, the true daughter of her father, with her father's combative spirit and instinctive and illogical inability to accept defeat. By driving Weld out of practice Matheson would also be driving a wedge between his daughter and his rival, and I felt sure that he knew as much.

Still, the fight wasn't yet over. The tide might turn. A lucky retainer in a big case might come Weld's way and give him the chance to show what he was made of. He had a first-class brain, he was a good lawyer, and he was an accomplished advocate. But I couldn't help wishing that he was more colourful, more forceful, and that he had much more fighting spirit. I wished, in short, that in some ways he was a good deal more like Matheson. And when the Sorensen case came along I felt that here at last was a golden opportunity for Weld to show what he was made of.

It was natural that I should know a good deal about the Sorensen case because I was in it from the beginning. I wasn't in it in the sense that I held a retainer for either of the two accused, but Prescotts had acted for many years for the woman who was murdered, and I therefore had a close-up view of the events which led up to her death. For most people the case turned upon the usual issue at any murder trial—the guilt or innocence of the accused. But for me the Sorensen case provided the absorbing and unusual spectacle of Weld and Matheson fighting in the same arena, with the result of the case deciding the outcome of the battle between them which had lasted for so long.

I can't say that the late Sarah Jane Skeet had ever been one

of my favourite clients. She was a crotchety and cantankerous old woman who had, in a long lifetime, buried three husbands, antagonised six children, quarrelled with any number of her neighbours, and made life a misery for the unfortunate succession of housekeepers who were paid to look after her in her declining years.

The old lady came into the office quite frequently to give us instructions about a document which was called—optimistically but inaccurately—her last will and testament. The trouble was that there was no finality about it. As soon as the testatrix had made a will one could prophecy quite safely that it wouldn't be long before she came back again to make another, for she used her will as an instrument to punish and reward those around her. And as her feelings tended to fluctuate violently from one month to another, we were constantly being told to cut out this beneficiary and put in that one until all the chopping and changing became something of a burden.

And then, quite suddenly, there was a lull in all this testamentary activity: six months went by without Mrs. Skeet paying us a single visit, and I happened to mention one day to the probate partner, whose duty it was to cope with the will-conscious old woman, that I hadn't seen anything of her about the office for a very long time.

"She hasn't been in," said Mr. Tristram shortly. "Hasn't been in for months. To tell you the truth, my dear boy, I'm getting worried about her welfare—seriously worried. She's been something of a nuisance to me over the years, as you know, but I'd far rather put up with all the trouble she's caused me than feel that the management of her affairs had fallen into the wrong hands. And I'm very much afraid that they have. I had one of her daughters in to see me a day or two ago, and I didn't like the sound of what she had to tell me. I didn't like the sound of it at all."

Under the stimulus of a little verbal prodding Mr. Tristram was soon telling me what he knew. The last of a long line of housekeepers had left hurriedly about six months before, declaring that she couldn't put up with the old woman's tantrums for

another day, and finding that she had no one to look after her the old lady had asked John Sorensen, an industrial assurance agent who had been calling at her home for years, if he would try to find a replacement.

Mrs. Skeet's youngest daughter, the only one of the six children who had contrived to preserve anything like friendly relations with her mother, had been in the habit of visiting the old lady from time to time. Although she knew nothing of the arrangements made with Sorensen, she couldn't fail to notice the changes which began to take place soon after the last of the housekeepers had gone.

To begin with, Sorensen and his wife moved into the old woman's home, and they and Mrs. Skeet were soon living as one family. Mrs. Sorensen at once assumed control of the household affairs, doing the cleaning and cooking, while her husband appeared to have taken over the management of the Skeet finances. Old Sarah Jane wasn't a wealthy woman, but she did possess about ten thousand pounds which was cosily invested in building societies and government securities, and from a word dropped here and there, during the daughter's occasional visits, it became clear that the old lady's little fortune was being reinvested on Sorensen's advice. When the daughter, naturally perturbed to discover that her mother's financial affairs were being handled by a stranger, tried to dissuade her from taking financial advice from someone who appeared to be unqualified to give it, Mrs. Skeet had taken offence immediately, accused the daughter of wanting to get hold of the money for herself, and declared that Sorensen was the best friend she had. Soon afterwards Sorensen himself had written to say that Mrs. Skeet wanted no more visits from her daughter, and that she would no longer be welcome at the house.

Fortunately, the daughter was still able to preserve some sort of link with her mother by means of the family doctor, who visited the old lady two or three times a week. It seemed that he, too, wasn't at all happy about the Sorensen influence upon the household. Through him, the daughter discovered that her mother's health seemed to be failing, that she was encouraged

to take a great deal more brandy than was good for her, and that she seemed to have fallen completely under the domination of Sorensen and his wife.

"From what the daughter has been able to discover from the doctor," Mr. Tristram went on, "it seems that the old girl is only a shadow of her former self. You know very well what she used to be like—strong willed, bad tempered, prepared to use anyone as a doormat if they would give her half a chance. Nowadays, so it seems, she's become quite cowed and apprehensive. Doctor Devers is seriously worried about her. Seems to think that this fellow Sorensen has contrived to get her completely under his thumb. In fact, I've been so concerned about the situation that I wrote her a letter, a week or two ago, saying that I'd like to see her about a matter of business. It was just an excuse, of course. All I really wanted to do was to get my head inside the house and have a look at her."

"What happened?"

"Got a letter back—a letter which I'll wager was dictated by this chap Sorensen. It said that she wasn't fit to see me, didn't want me to call, and suggested that anything I wanted to say could be said in correspondence." Mr. Tristram pursed his lips forebodingly. "I don't like the look of it, my dear boy. I don't like the look of it at all. It wouldn't surprise me a bit if we find, when the old woman drops, a home-made will naming Sorensen as executor and leaving him the lot."

"The family can challenge it. The situation has undue influence written all over it so far as I can see."

"Perhaps it has, dear boy. Perhaps it has. I don't doubt that the family would instruct me to file a *caveat* and to challenge any will the fellow may have made. But all that lies in the future. I want to know what I can do to help the old girl here and now."

I wasn't able to resolve Mr. Tristram's dilemma, but the old lady resolved it for him, a day or two later, by dying unexpectedly. And when Dr. Devers refused Sorensen's request for a death certificate, and the coroner ordered an inquest, there seemed some grounds for supposing that the circumstances surrounding the death warranted judicial investigation.

The Sorensens, very wisely, decided that they should be legally represented at the inquest, and Weld was instructed on behalf of both. At the hearing, however, there was very little for him to do: the coroner heard evidence of identification from the deceased's daughter; Dr. Devers described how he had visited the old woman on the evening before her death and found her to be in no immediate danger, how he had been called in again on the following morning to find her *in extremis*, and how he had noticed petechial haemorrhages upon her body. Ten minutes after his arrival she had died. Then the Home Office pathologist, who had carried out a post-mortem examination, testified that he had removed certain organs for examination and that traces of free phosphorus had been found in the stomach. His conclusion was that the death had been caused by poison, whereupon the coroner adjourned the inquest *sine die*, the reporters present scurried out to telephone to their newspapers, and Detective-Inspector Drax got in touch with Scotland Yard and asked if someone could be sent down to help him to investigate a murder.

Although Weld had appeared at the inquest his presence there had gone almost unnoticed. He had asked no questions, raised no objection to the adjournment, and had taken no active part beyond making an unsuccessful effort to prevent Sorensen himself from standing up and asking the coroner if he would issue a cremation certificate—a request which had been immediately refused.

Within twenty-four hours of the adjournment Chief-Inspector McTavish and Sergeant Soames arrived from Scotland Yard, investigations began, and the town was soon a hotbed of excited speculation about how the old woman had died. The Sorensens continued to live at the old lady's house, which soon became picketed by members of the Press who watched all their comings and goings. Everyone seemed certain that the police, sooner or later, would make an arrest, and in the meantime tension steadily mounted. Weld, after his brief appearance at the inquest, seemed to have dropped out of the picture, so that if he visited the Sorensens he contrived to do so unobtrusively and any calls he may have made on them excited no comment whatever.

I knew, however, that he was still actively concerned with the case because about ten days after the inquest he called upon me one morning to discuss it.

"I've been wondering what I should do," he began, "and I thought I'd come in and see if you could help me. The police are hard at work on their investigations, it can't be long now before their enquiries are completed, and then they're going to make an arrest. At the moment I'm retained on behalf of both Sorensen and his wife, and—between ourselves—it's quite apparent that I can't act for both. There's likely to be a conflict of interest, you see, and there's no doubt in my mind that they should be separately represented. Between these four walls the man's in it up to his neck—he's the sole beneficiary under a recent will, and there's no doubt whatever that during the last few months of her life he had the old woman completely under his thumb. But I'm satisfied, in my own mind, that if the old woman was poisoned Mrs. Sorensen had nothing whatever to do with it. She's a timid, negative, rather pathetic sort of person, completely dominated by the man, and although there may well be a *prima facie* case against her, based on her presence in the house at the vital time, I can't for the life of me see a jury convicting. She must be separately represented—I'm absolutely sure of it. The question is—do I accept a retainer for her, as I know she wants me to, or do I act for the man?"

"It's entirely a matter for you," I said. "You're under no obligation to represent either unless you want to, and if you do intend to carry on with the case you can obviously take your choice of client."

"Then I think I'll look after the woman," said Weld decisively. "From what I know of the case—which isn't much at this stage—she's every hope of getting clear. She hasn't had a great deal to say to me so far—her husband does most of the talking—but she's said enough to convince me that she's entirely innocent. What's more, the prospect of acting for Sorensen holds no attractions whatever—he's a barrack-room lawyer of the worst type, and he's so used to bullying those around him that he's quite capable of trying the same tactics on the unfortunate solicitor

who's retained to represent him. No, I don't mind doing what I can for Mrs. Sorensen but I think I'll tell the man that he'll have to go elsewhere."

"All I ask is that you don't send him here," I said. "We act for the old woman's family, you see, so that we couldn't possibly accept instructions in view of the probable charge. In any event, I expect we shall soon be asked to upset that recent will you were telling me about a moment or two ago. You must recommend someone else."

"Can't see him taking much notice of any recommendation from me," said Weld. "He isn't going to be too pleased when I turn him down. In any event, he's the sort of person who's more than capable of making up his mind for himself, and I'll simply advise him that he must get hold of another solicitor of his own choice."

Sorensen's choice turned out to be Matheson: a day or two after my chat with Weld I saw in my morning newspaper an account of a call his colleague had made at the house, illustrated by a photograph of him leaving. Weld's interest in the case had attracted little public notice, but from the moment Matheson came into it the major quickly stepped into the limelight. There had, as yet, been no arrest, and there was no reason whatever why Matheson should not have made an appointment to see Sorensen at his office. But to hold his first consultation quietly and unobtrusively was not the major's way. It was quite obvious that he wanted it to be known to the world at large that he had been retained in the case, and I had often thought that if Matheson hadn't been a solicitor he would have made a first-class publicity agent.

He paid his call at three o'clock in the afternoon, when the newspaper reporters and cameramen might be relied on to be there in full force. He arrived in state in his black, chauffeur-driven Bentley, stayed an hour, and I suspected that he had stood obligingly on the doorstep when leaving, a long cigar between his lips and a brief-case in his hand, for photographs to be taken. That grim, portentous face of his, blazoned across the middle page of the newspaper, didn't take me in for a moment: I knew that to hold the centre of the stage in a *cause célèbre* was the breath

of life to him, and it was clear that he intended to make the most of it.

A day or two later Mrs. Sorensen was asked to go down to police headquarters, and Inspector Drax informed me confidentially that she was to be placed on an identification parade. I knew that Weld attended on her behalf, but he must have slipped into the police buildings by the back way, for the newspapers made no reference to his presence there. Matheson, I felt sure, would have managed matters very differently, would have accompanied his client in the police car on her journey to headquarters, and while brushing aside Press enquiries with a cryptic 'No comment!' would have contrived to convey the impression that he could have told a great deal if he chose.

But the different methods of the two men came into contrast most sharply when Inspector McTavish finally decided to make his arrest. I read a full account of the events of that Friday afternoon in my *Evening Gazette*, and Weld's name wasn't so much as mentioned. McTavish, Soames, and Drax drove to the house in a police patrol-car at two o'clock, and Matheson followed in the back seat of his Bentley. I have no doubt whatever that Weld would also have been invited to be there on behalf of Mrs. Sorensen, but his arrival went completely unremarked against the ceremonial appearance of his colleague. There was a photograph of the police officers approaching the front door, with Matheson—smoking the inevitable cigar—looking full-face into the camera. When the officers emerged, half an hour later, accompanied by the Sorensens, Matheson was still with them, and while Mrs. Sorensen was driven away in a patrol-car Matheson and his client got into the Bentley, Sergeant Soames jumped in beside them, and Sorensen was driven down to the police station in style. The following morning the arrest made front-page news in most of the national newspapers, and in the half-dozen I looked at there wasn't one without a photograph of Matheson. It appeared, indeed, from the captions, that he was the only lawyer concerned in the case, and although I knew that the woman was to be defended by Weld he was so studiously keeping out of the limelight that the fact wasn't generally known.

"Matheson really is the limit," observed Mr. Percival pettishly, when I saw him in the office on the morning after the Sorensens had been taken into custody. "Someone should tell him about it. They really should." He tapped the newspaper which lay on the table in front of him. "They're calling this the Sorensen case, but they should be calling it the Matheson case to my mind. It's not on, you know, for a professional man to go out of his way to attract all this Press publicity. Just look at this!" He brought down his hand heavily on to the open newspaper. "There's no need for it. No need for it at all. I can quite see that he had to be there when McTavish charged them, but why, in heaven's name, didn't he slip quietly into the house by the back door instead of posing for the photographs as he obviously must have done?"

"Slip in by the back door?" I said. "Miss the reception committee? Lose the chance of bowling up there in his Bentley, and forgo the golden opportunity of making a public appearance as our great criminal defender? Matheson's the last man in the world to miss the chance of hogging the limelight. It's a puzzle to some people that he should have contrived to keep together that enormous practice of his, but it's no mystery to me. In a profession in which advertising is regarded as one of the deadly sins he goes in for advertising himself on the grand scale. Stop any twenty people walking down Church Street this morning and ask them to give you the name of a local lawyer, straight off the cuff. I'll wager that nineteen out of the twenty would at once say Matheson. Advertising pays, you see, and in a profession which doesn't allow it it pays best of all. What's more, the old boy is well aware of the fact."

"There's advertising and advertising," said Mr. Percival grumpily. "If a man has a flair for advocacy it's inevitable that his cases should be reported, and reports help to build up an advocate's reputation. That sort of thing, I grant you, is legitimate enough. The courtroom is the lawyer's shop window, the place in which he can show what he's made of, and that sort of self-advertisement has always been regarded as unexceptionable. But all this mummery of Matheson's is absolutely inexcusable. He's deliberately parading himself in front of the public and the Press,

and he's using this case as a vehicle for his own self-aggrandisement. He's suffering from megalomania, to my mind, and God knows what lengths he'll go to before this case is over. It's high time the Law Society stepped in and told him to behave himself. He's bringing the profession into disrepute."

"The Law Society will have to get a move on," I said. "The next act in the drama is due to be played at half past ten this morning. I think I'll slip down to court to see the great man in action—that is if I can get near the place."

On Saturday mornings the courthouse at the bottom of South Kemp Street was rarely busy, although there was usually a short sitting of the magistrates to deal with any prisoners who might have been locked up overnight. Two or three remands and a couple of pleas of guilty in summary cases was the average amount of work that the justices had to deal with on a Saturday morning, and it was unusual for them to take more than half an hour to get through the cases on the list. And the members of the public were usually too much preoccupied with the distractions of the week-end to have time to spare in watching a court of summary jurisdiction in action.

But on the morning the Sorensens were to make their first appearance before the magistrates, the forecourt outside the court buildings looked rather like the main entrance to the local football ground a couple of hours before the kick-off in an important cup-tie. A crowd of people was milling around the main entrance, and half a dozen uniformed policemen were busily engaged in marshalling a queue which was forming up outside the closed front doors. It was quite apparent that the courtroom could never hold all those who seemed so anxious to see the Sorensens make their first appearance in the dock, and the police were dealing with the situation on the footing that the first arrivals should be first in, which meant that the latecomers at the back of the queue were going to be disappointed.

A little knot of Press photographers stood on the fringes of the crowd, armed with cameras and flash-bulbs, and the animated, bustling atmosphere seemed more fitted to some public festivity than to the first act in a criminal trial. I took a quick look at the

mass of people outside the courthouse, and then went quickly into the building by the magistrates' private entrance; then I made my way upstairs into the long corridor which commanded a view along South Kemp Street so that I might watch events from there.

At twenty minutes past ten I caught a glimpse of Weld coming in, unnoticed, by way of the entrance reserved for the justices: and then, a few moments later, a little procession headed by Matheson came into view. The major, immaculate in his well-cut morning suit, with his curly-brimmed, low-crowned bowler set at a jaunty angle upon his head, strolled down with the insouciant air of a man to whom a murder trial held no terrors whatever. He had one of his long Havanas firmly clamped between his lips, his usual carnation made a little splash of colour against his black lapel, and he carried a tightly rolled umbrella over his bent left arm. From time to time I saw him raise his right hand in casual salutation to those who greeted him as he passed along. His pale, rather fleshy face was set in a pugnacious frown, but I knew very well that he was enjoying himself immensely. Behind the major, at a respectful distance, walked a managing clerk, bearing a bulging brief-case, and behind the managing clerk came two young gentlemen in articles. They both looked suitably serious at being concerned for the first time, albeit remotely, with the conduct of a murder case.

Having arrived at the main entrance to the court building Matheson paused for a moment, graciously acknowledged the deferential salutes of the police officers in attendance, and then stood for a moment on the steps so that one of the officers might clear a way for him. The momentary pause gave the Press photographers the opportunity they had been waiting for, and Matheson obligingly turned to face them, removed his cigar, and stood for a moment while flash-bulbs flared and cameras clicked to record the arrival of the defending solicitor in the Sorensen case for the benefit of the Sunday morning newspapers.

Having watched the major's arrival from my vantage point I made my way into the courtroom: the public benches were tightly packed with spectators, and a great many more, for whom

no seats were available, were clustered in the rear gangway. Matheson's clerks were busily engaged in setting the scene for the great man's appearance, laying out his books, papers, lectern, and other impedimenta in the fashion I had seen them arranged so many times before. As I sat there watching them I couldn't help feeling what a waste of time it all was. The proceedings that morning, as I well knew, were likely to last no more than a few moments. The Chief Constable would simply get up and tell the magistrates that the two accused had been taken into custody, charged with murder, after which he would ask that they be remanded in custody for a week. All that Matheson needed to do after that was to give a nod of assent, the prisoners would step from the dock to the staircase that led to the cells below, and the first appearance of the Sorensens would be over. It was clear, however, that the major didn't intend to be denied his ceremonial appearance, and although the hands of the courtroom clock were creeping on to half-past ten I knew that Matheson would be finishing his cigar in the solicitors' room and that he wasn't likely to make his appearance in court until the very last moment.

On the stroke of half-past ten the magistrates came in, accompanied by their clerk, and Mr. Rose asked for the Sorensens to be put up at once so that the Chief Constable might make his application. Weld, I noticed, was already in his place, and as the two accused were brought up into the dock and ranged face to face with the magistrates, I saw one of Matheson's clerks hurry out to warn his principal that the proceedings were about to begin.

The Chief Constable made his application in matter-of-fact tones and was on his feet for no more than half a minute. Then Weld got up to say that he appeared for the female defendant and that he had no objection to the remand. The justices' clerk, seeing no one there to represent the husband, asked Sorensen himself if he had any objection to the application, and upon receiving a negative shake of the head Colonel Manton, from the chair, ordered both prisoners to be remanded in custody for a week.

As the two accused turned to leave the dock I sensed a stir at the back of the courtroom, and—turning my head—I saw that Matheson had come in at last and was beginning his usual stately progress through the well of the court to the advocates' table in front of the public benches. By the time he reached it both prisoners had disappeared, and, as one of his clerks bent forward to tell him what had happened, I saw the major's face darken with vexation. The proceedings had taken no more than ninety seconds, and by coming in two minutes late Matheson had missed the boat completely. He made it clear at once, however, that he didn't intend to accept this *fait accompli* lying down.

"I came here this morning, your worships, to represent my client Mr. Sorensen upon a charge of the utmost gravity—upon the gravest charge, indeed, that is to be found in the criminal calendar. I discover from one of my clerks here that before I had the opportunity of stepping into the courtroom to give my client the benefit of my professional services an application has been made in my absence and that there has been a remand in custody for a week."

I saw Colonel Manton give a quick nod to indicate that Matheson had understood the situation quite correctly.

"Then I must protest, sir," went on Matheson, warming to his work. "I must protest most vehemently. The most cursory enquiry would have elicited that I was in the precincts of this building. I am amazed—nay, shocked—that the Chief Constable's application was not deferred for a moment or two in order that I might be apprised that your deliberations were about to begin. As it is, my client has been denied the presence and support of the advocate who has been retained to represent him, and I am at a loss to understand this apparent discourtesy towards someone who has practised before you for more than thirty years."

"The court sits at half-past ten, Mr. Matheson," said the magistrates' clerk mildly. "It's not the fault of my justices if an advocate isn't here."

"But I *was* here," returned Matheson angrily, raising his voice a little. "I was in the solicitors' room waiting to come into court. Surely you might have given me a moment's indulgence."

After all, the fact that I represent the male defendant is very generally known."

"It isn't known officially to me, sir," said the justices' clerk crisply. "Neither I nor my justices can take any cognisance of rumour. An advocate's retainer is signalled by his appearance before us, at the proper time, and by his announcement of the name of the client by whom he is instructed. At half-past ten this morning, so far as I could see, there was no one here to represent the prisoner Sorensen. In those circumstances I could do no other than conclude that he appeared in person. He listened to the application, stated quite clearly that he'd no objection to the remand applied for, and was thereupon remanded in custody for a week. I really don't see how the court could have done other than it did. Certainly your client has been in no way prejudiced."

"I must beg to differ, sir," said Matheson. "My client has been gravely prejudiced in that certain things I proposed to say on his behalf have remained unsaid."

"I take it that there would have been no application for bail, Mr. Matheson?" observed Colonel Manton dryly, with just the semblance of a smile.

"There would not, sir. I am well aware of the fact that in a charge of this nature bail is never granted."

"Perhaps you desired to make an application for legal aid? If that is so my colleagues and I are quite prepared to hear it."

"My client's means are such as to disqualify him from the assistance conferred upon impecunious prisoners by the provisions of the Poor Prisoners' Defence Act," said Matheson grandly. A simple negative would have sufficed, but the lure of the sonorous phrase was always irresistible to the major.

"Am I to understand, then, that you intended to raise some formal objection to the remand in custody?"

"I had no such objection in mind."

"Then I fail to see, Mr. Matheson, what harm has been done by your absence. I cannot envisage any matters other than those I've just mentioned being raised upon a formal preliminary appearance for the mere purpose of a remand."

"Your worship has omitted to mention the most vital matter

of all," countered Matheson majestically, "and that is my client's reaction to this charge. I am, of course, quite conscious of the fact that this is neither the time nor the place to canvass the merits of his defence to the grave allegation that has been made against him. That defence, in due course, will be laid before a jury of his fellow countrymen after he has been duly arraigned before the court of trial. But even at this preliminary stage I am instructed to say that he has a complete answer to this charge, that his firm intention is to plead not guilty, and that he instructs me emphatically to repudiate that he was party or privy to compassing the death of the old woman concerned."

"Very well, Mr. Matheson," said Colonel Manton. "You have, I think, made your point, and I've no doubt that those whose duty it is to report these proceedings will have taken due note of it."

Matheson bowed to the Bench, and then—as the next case was called—he turned and stalked out of court leaving his clerks to collect the papers he had left behind him.

That night the *Evening Gazette* carried a full report of the proceedings. The middle page carried the headline 'Complete Answer to the Charge, says Defending Solicitor.' The report mentioned Weld just once, as the solicitor appearing for Mrs. Sorensen, but as it was his colleague who had done all the talking Matheson's name was in almost every paragraph. Without his intervention the simple fact of the remand could have been reported in half a dozen lines. And one could have little doubt that throughout the town that night, wherever the case was mentioned, Matheson would be mentioned too.

To the lawyer, Matheson's performance that morning had nothing to commend it. He had deliberately made himself conspicuous on his way to court, he had failed in his duty to his client and in proper respect to the Bench by coming into court two minutes late, and his intervention had been wholly unnecessary. In delivering that florid assertion of his client's innocence he had been blatantly playing to the gallery, and had spoken with one eye on the court reporters avidly taking down his every word for publication in the Press.

But the lawyer's view—the professional view—is quite different from that of the layman. The working man and his wife like what they tend to call a “card”; they like their public figures to be stamped with clear-cut, instantly recognisable characteristics; and they tend to mistake statements to the effect that one has a complete defence to the charge, and similar facile forensic platitudes, for a willingness to fight to the last ditch on behalf of a criminal client. Matheson's performance that morning had been of no benefit whatever to Sorensen, but I was prepared to wager all I had that it would have sent up the major's stock enormously among a great many people in the town. ‘Major Matheson!’ they would say, in the vaults of *The Jolly Sailors* or *The Green Man*. ‘Haven't you read to-night's *Gazette* about the dust-up he had in court? Says Sorensen is innocent and has an answer to the charge. Of course, the fellow's as guilty as sin, but if anyone can get him off Major Matheson can. That man's a fighter if ever there was one. You can tell it by his face.’

Weld, on the other hand, possessed most of the attributes that appeal to the lawyer: he was academically sound, he was an excellent advocate who appealed to the mind rather than to the emotions, and he was punctilious in his observance of the ethics and etiquette of his profession. Despite all this he somehow lacked the qualities that tend to impress the great mass of men and women from whom a solicitors' clients are drawn. He dressed as inconspicuously as an undertaker, there was nothing in his general appearance which was in any way out of the ordinary, and—summing it up—he made very little impact upon the casual observer.

Their handling of the first stages of the Sorensen case enabled me to view and judge two contrasting personalities side by side: Weld's approach was studiously correct, but—from the lay standpoint—entirely negative; Matheson's approach was professionally unsound, but—from the point of view of the public—it was positive, alive, and interesting. In reality he was doing nothing, and yet his wordy intervention contrived to convey the impression that he would fight for his client every inch of the way.

Poor old Weld! He had got hold of a retainer in the case of a

lifetime and Matheson seemed to have elbowed him into the background already. The major might not be much of a lawyer, but he certainly knew how to make his presence felt. I had no doubt whatever that the reporters covering the Sorensen case were in for a busy time.

THE Sorensens had been remanded in custody for seven days, but it was obvious to anyone with even a rudimentary knowledge of the work that goes into the preparation of the case for the Crown in a prosecution for murder that some time must necessarily elapse before the accused could be committed for trial. Detailed proofs of evidence would have to be taken from a large number of witnesses, and until the intricate web of evidence had been completed the preliminary hearing before the justices could not take place. I knew that all the evidence that Inspector McTavish was so industriously piecing together would have to be submitted to the Director of Public Prosecutions, and that until every aspect of the case was covered by the statements of the witnesses to be called there would have to be further remands in custody. Clearly, it would be some time yet before the case was ready for committal.

And so when the Sorensens appeared for the second time it seemed safe to assume that the proceedings would be purely formal. There would be a short application for a further remand in custody for another seven days, and in the meantime the prosecution would press on with the preparations which had to be completed before the justices could be invited to consider the evidence and asked to find that it disclosed a *prima facie* case.

Matheson, of course, must have known all this perfectly well and must have realised that his only duty, on the applications for further remands, would be to say that he had no objection. But I knew that these formal appearances, which gave him nothing to do, were anathema to the major. There was no news value in a short nod of assent, and Matheson—as always—was hungry for a headline.

When the Chief Constable got up, in a crowded courtroom, he gave the magistrates a short statement of the charge upon

which the two accused were held, a brief résumé of the facts, and asked for a further remand in custody. The justices' clerk, as a matter of routine, enquired if there was any objection.

Weld, on behalf of Mrs. Sorensen, simply shook his head, but Matheson rose to his feet with the obvious intention of providing a few more paragraphs for the newspapermen.

"Before assenting to or dissenting from the application made by my friend the Chief Constable, I would like to ask him for how long these successive remands in custody are to continue. When I appeared here, just a week ago, he made an application for a remand for a period of seven days. To-day I find myself confronted with a similar application. May I be given some indication of when the prosecution will be ready to commit for trial?"

"I'm afraid it will be some time before we shall be ready to go on," said the Chief, re-opening his file of papers. "More than fifteen witnesses will be called for the Crown, an immense amount of work has already gone into the taking of statements, and many witnesses still have to be interviewed by my officers. Much of the evidence, moreover, will be of a highly technical nature, and the scientific findings will have to be carefully collated and considered before the case is presented to committing magistrates. While I can do no more than give an estimate I think that the prosecution will be ready to proceed in about three weeks' time."

"Three weeks!" The Chief Constable might have said three months so violently did Matheson react to this simple statement. "Three weeks! Then I must protest, your worships, with all the vehemence at my command. I appreciate, of course, that in a case of this kind there must necessarily be a great deal of preparation. On the other hand, it is common knowledge that much detailed investigation had gone on before my client was arrested, and one would have thought that the prosecution would have been ready to proceed relatively quickly afterwards."

"I can assure my friend Mr. Matheson that I am every bit as anxious as he is to lay the facts of this case before the justices, with a view to committal, with no undue loss of time. I concede that much investigation went on before the accused were arrested. Nevertheless a great deal remains to be done before we shall be

ready for a preliminary hearing before the magistrates, and until the enquiries are completed it will obviously be impossible for the committal to begin. Three weeks, as I say, is about the time I shall require before the prosecution can proceed with the preliminary hearing, and—much as I regret it—there will have to be further applications for remands until then.”

“Then I must make it plain at the outset, your worships, that I cannot acquiesce in what would seem to be completely unjustified delay. My friend the Chief Constable would appear to view an hiatus of a month between arrest and committal as a matter of no importance. To my client—confined as he is in one of Her Majesty’s prisons—the matter is of the utmost gravity. Your worships, I doubt not, will appreciate the intolerable strain to which he is being subjected. He is ready—indeed anxious—to meet the charge preferred against him, and I trust that your worships will make it clear that you are not prepared to go on granting these successive applications for remand without reminding the prosecution that they are under a duty to proceed at the earliest possible moment. The present position, epitomised, is that the accused man, who strongly denies the grave charge preferred against him, and must be presumed at this moment to be entirely innocent of it, is incarcerated in one of Her Majesty’s prisons—incarcerated, moreover, without trial. He has a right to have the evidence against him, such as it is, presented to a court of competent jurisdiction with the minimum of delay, and the inordinately long interval between arrest and preliminary hearing, which the Chief Constable appears to view with such surprising equanimity, is nothing less than a denial of elementary justice and an infringement of the common-law right of every citizen that he shall not be imprisoned without trial. In view of the Chief Constable’s statement that the remand now applied for will be followed by further applications on the same lines, I have no alternative but to voice a formal objection.”

“Very well, Mr. Matheson,” said Colonel Manton, after the magistrates had put their heads together and discussed what had been said. “My colleagues and I are mindful that in a case of this nature a great deal of preliminary work must necessarily

be done. On the other hand, we are fully conscious of the fact that your client should be given the opportunity of facing the charge against him at the earliest possible moment. In those circumstances we have decided to grant the application for a further remand in custody for another seven days, but when we come here again, this day week, we trust that it will be possible for the Chief Constable to indicate a definite date for the committal proceedings to begin, and we hope that it will not be necessary for the prisoners to wait for another three weeks. We appreciate, as I say, the difficulties in a case of this kind, but we feel that the element of expedition cannot be too strongly stressed. The application, as I have already indicated, will be granted, but we hope that the Chief Constable, on his next appearance before us, will be in a position to apply for a remand to a date upon which it will be convenient for the court to hear committal proceedings—and we trust that those proceedings will begin at a not too distant date.”

As I listened to the chairman and watched the reporters’ pens scurrying over their notebooks I realised that Matheson had done it again. The application for the further remand, unopposed, would have been worth no more than an uninspiring paragraph. Matheson, with his wordy protestations about delay, had given the Press something to seize on, and had added a little to the image of himself as a fearless, uncompromising fighter, always ready to have a tilt at authority in the interests of his client.

Weld, on the other hand, quite justifiably as I thought, had said not a word. No doubt he realised that the prosecution would proceed with the case as soon as they possibly could, and saw no point in objecting to an application for remand which was certain to be granted. But his reluctance to play to the gallery had the effect of thrusting him more and more into the background, and whenever I heard the Sorensen case discussed—and it was constantly cropping up in the course of casual conversation—it was obviously Matheson who had caught the popular fancy, Matheson alone who seemed to be making a fight of it. It was Matheson all the way.

I felt certain that the major’s protestations about delay were rooted in nothing more than a desire to provide some copy for the

newspapers and some limelight for himself, but his representations were not without effect. There was a further remand seven days after the hearing at which his protest had been made, but this time the Chief Constable asked for four days only and intimated that the Director of Public Prosecutions would be ready to begin committal proceedings upon Wednesday of the following week.

In the meantime, I had been retained by the family of the dead woman to watch the proceedings on their behalf, for it was known that there was a recent will in which Sorensen was named as sole beneficiary, and although a conviction for murdering the testatrix would necessarily mean that the accused could take no benefit under the old woman's will, one didn't yet know whether he would in fact be convicted. In the event of an acquittal there would obviously be a challenge to the will on the ground of undue influence, and the children of the deceased insisted that I should hold a watching brief on their behalf from the beginning.

On the Wednesday morning on which the committal for trial was due to begin the court buildings at the bottom of South Kemp Street were picketed, from an early hour, by members of the public, all of them anxious to hear the evidence in a case which had captured both local and national interest. When I walked down to the office at half-past eight I saw that a considerable crowd had collected, and by ten o'clock, when I set off for court, I saw that the police had marshalled several hundreds of people into a long queue and were just beginning to allow those at the head of it to file through the open doors. It was clear that the courtroom could hold only a small proportion of the very large number who wished to listen to the hearing, so that a great many seemed certain to be left outside. More than a dozen cameramen and reporters stood about in little groups on the forecourt, and photographs were taken of those who were known to have some connection with the case.

From the vantage point of a window which looked down upon South Kemp Street I watched another of those ceremonial arrivals in which Matheson appeared to take so much delight, and then I went to take my seat in the courtroom where the major's clerks

were already hard at work setting the scene for their principal's appearance. To me all the elaborate ritual was merely the tiresome re-enacting of a comedy which I had seen on so many previous occasions, but I noticed the interest it aroused among those who were sitting in the public benches, most of whom were probably watching it for the first time in their lives.

Lectern, carafe, and glass came in with one clerk; the array of coloured pencils, magnifying glass, and notebooks with another; while a third bore in an armful of law-books, surmounted by *Archbold* in a circuit binding, and began to range them upon the advocates' table in front of the major's usual scat. I saw Weld come in, armed with nothing but a file and a notebook, and slip quietly into his place, and a few minutes later Ralph Monash, of counsel, who came from the Director's office and appeared to prosecute, came in and sat down beside him.

As the minute-hand on the courtroom clock moved on to the half-hour there was a stir at the front of the courtroom, the side door which led to the justices' retiring-room was thrown open, and three magistrates came in, followed by their clerk. The prisoners were put up, answered to their names, and when they were asked by Mr. Rose if they understood the nature of the enquiry Weld got up and made a diffident announcement that he appeared for Mrs. Sorensen. Of Matheson there was still no sign.

I saw Mr. Rose stand up, turn towards the justices, and whisper something to them. Miss Murgatroyd, who was in the chair, glanced up at the courtroom clock, looked down at all Matheson's carefully arranged adjuncts to advocacy, and then shook her head decidedly. "Pray proceed, Mr. Rose," she said crisply. I knew that Miss Murgatroyd was an experienced magistrate, who was unlikely to be prepared to sit and wait indefinitely for Matheson to make one of his deliberately late appearances. The magistrates' clerk nodded to Monash, who quietly stood up and began to open the case for the Crown.

As counsel began to tell the magistrates about the circumstances surrounding the old woman's death I heard that familiar stir from the back of the courtroom, and turning my head I saw that

Matheson had arrived at last. This studied unpunctuality was not merely an act of disrespect to the Bench and a piece of discourtesy to the opponent he was interrupting but also a breach of duty to his client. But I knew that considerations of that kind never worried Matheson. By arriving late he made certain of being a cynosure, and as he moved slowly and deliberately through the well of the court he must have been conscious that he was spoiling the effect of counsel's opening by concentrating the attention of everyone in the courtroom on himself.

Monash told the magistrates that when the last of a long line of housekeepers had suddenly left Mrs. Skeet, she had asked Sorensen, who called at her home regularly in order to collect some industrial assurance premiums, to find a replacement for her. Sorensen had suggested that he and his wife should move into the old lady's home themselves in order to look after her, and this they had done on the thirty-first of March of that year.

Thereafter it appeared from the evidence of a number of tradesmen who would be called before the court that Mrs. Sorensen had taken all household affairs into her own hands. A bank manager and stockbroker would also testify that the man Sorensen had visited them regarding the old lady's financial affairs, and appeared to have assumed the rôle of business adviser to her.

On the seventeenth of May Mrs. Sorensen had visited a firm of solicitors, had explained that her employer was confined to the house as a result of illness, wished to make a will, and intended that she, Mrs. Sorensen, should become her sole beneficiary and executrix. Mr. Pemberton, a partner in the firm of solicitors concerned, had visited Mrs. Skeet at her home and had there interviewed her alone. As a result of his conversation with her a will had been made under which the old lady had left every penny she possessed not to Mrs. Sorensen but to her husband and co-defendant.

On the day before the will had been made Mrs. Sorensen had visited Dr. Depree, and had asked him to call at the house to interview Mrs. Skeet and to certify that she was of testamentary capacity. This the doctor had done, had found the old lady

physically infirm but mentally alert, and had been paid a fee of two guineas by the female defendant for his visit.

On the twenty-fourth of May, a week after the will had been made, a woman had visited a chemist's shop in Shelton and had there purchased a tin of proprietary rat-poison, the main constituents of which were yellow phosphorus and bran. At an identification parade held shortly before the accused had been arrested the chemist concerned had picked out Mrs. Sorensen as the person to whom the poison had been sold.

During the first week in June Mrs. Sorensen had visited Dr. Devers, who lived close by the old lady's home, and had asked him to visit her employer on the ground that Mrs. Skeet had become seriously ill. She had asked the doctor what she should do if the old woman became worse during the night. In consequence of that call the doctor had gone across to see his patient at twenty minutes past six on the evening of the seventh of June—a most vital consultation.

"He will tell your worships," pursued counsel, "that apart from a mild bronchitis Mrs. Skeet was fairly well for a person of her years. At nine o'clock on the following morning the man Sorensen, in apparent agitation, called on the doctor again and asked him to hurry to the house. Dr. Devers went there immediately and found the old woman dying. She was then, your worships, quite beyond all medical aid. He noticed petechial haemorrhages on her body, made no secret of his suspicions, and intimated to the accused that when the time came he would not be prepared to issue a certificate.

"At half-past ten Mrs. Sorensen sent for Dr. Depree, the medical man she had called in earlier to certify that Mrs. Skeet was of testamentary capacity. The doctor found that the old woman was dead, and he, too, stated at once that he was not prepared to issue a death certificate."

Counsel went on to say that a post-mortem examination had been carried out by Dr. Banning, a pathologist attached to the Home Office Forensic Science Laboratory. His report revealed that free phosphorus and some particles of bran of the kind contained in the proprietary poison purchased by the female defendant

had been found in the body. That poison, in the pathologist's opinion, must have been administered after twenty minutes past six on the evening of June the seventh—when Dr. Devers had visited the old woman—either in one massive dose or in successive doses throughout the night.

On the afternoon of the day upon which the old lady died Mrs. Sorensen had visited three local undertakers and had attempted to make arrangements for cremation. Her efforts had proved abortive by reason of the fact that no death certificate had been issued.

Three days later, on the eleventh of June, Mrs. Sorensen had been interviewed, and, after caution, had made a voluntary statement. In that statement she had said that Mrs. Skeet had been ill for some weeks before she died and had become suddenly worse on the evening of June the seventh. Because of her condition Mrs. Sorensen had called in Dr. Devers, who had visited the house shortly after six o'clock and had prescribed certain medicines for his patient. That night, after the doctor's visit, Mrs. Skeet had complained of pains in the stomach and she, Mrs. Sorensen, had got up several times to attend her. By one o'clock on the following morning the old woman was complaining of a raging thirst and then, shortly afterwards, she had lost her speech and relapsed into a coma. Her husband had gone into the bedroom about eight o'clock, seen Mrs. Skeet's condition, and had at once hurried out to summon Dr. Devers. When the doctor arrived, shortly afterwards, he had said that the old woman was dying and beyond medical aid. She, Mrs. Sorensen, had then gone in search of another doctor and had called in Dr. Depree. He had visited the house at about half-past ten, had found that Mrs. Skeet was dead, and had refused to issue a certificate.

The man Sorensen had also made a statement, under caution, to Detective-Inspector McTavish.

"In that statement," continued counsel, "Mr. Sorensen explains how he agreed to go and live with the old lady after the last of the housekeepers left her, and how his wife and co-defendant took over the management of the house, doing the cleaning and the cooking and rendering such other personal services as Mrs.

Skeet required. He agrees, moreover, that he assumed the rôle of financial adviser to her, and that during the last few weeks of her life he was, in effect, looking after her bank account and arranging re-investment of certain securities on her behalf. He adds that he had received no payment whatever from the old lady, but that he and his wife had been given free food and accommodation for the services they had rendered. Sorensen goes on to say that he had always considered Mrs. Skeet remarkably fit for her years, apart from some bronchial trouble, and had noticed no change in her condition on the evening before she died. He had gone to bed, he says, on the night of June the seventh, had slept throughout the night, and had been called by his wife to the old lady's bedside at eight o'clock on the following morning. He had then seen at once that she was gravely ill, and had hurried out to summon Dr. Devers."

Having outlined the facts to the magistrates, Monash wound up with a short peroration before calling the evidence for the Crown. He suggested that after hearing that evidence the court could have little doubt that the old lady had met her death by secret and treacherous means—that she had in fact been poisoned by the two accused, acting in concert, and that if their worships were satisfied that a *prima facie* case had been made out he would ask for the accused to be committed for trial at the next assize.

It seemed to me that counsel had opened the case extremely well, but there was no doubt whatever that Matheson had made it very difficult indeed for the magistrates to follow what had been said. While Monash was on his feet the major had spent his time opening and closing his file of papers, looking into his *Archbold*, turning round and whispering to the managing clerk who was sitting on the bench behind him, and generally providing as much distraction as he possibly could. When counsel, in coming to the end of his opening, had referred to a secret and treacherous crime, Matheson had contrived to drop his magnifying glass with a clatter onto the floor, so that the effect of the phrase was ruined by the commotion he had caused. All this, of course, might have been due to nervousness, but my own view was that the major had been engaged, quite deliberately, in doing what he could to

minimise the effect of the opening by fidgeting as much as he could.

The first witness for the prosecution was the old lady's daughter, Mrs. Mary Jane Loftos, who gave an account of the way in which her mother had lived during the closing years of her life. The court heard about the succession of housekeepers, the family quarrels caused by the old lady's quick temper, and the regular visits which the witness had made to the home. She went on to describe how the Sorensens had moved into the house to live with her mother, soon after the last of the housekeepers had left, and how, upon one of her visits, she had seen Sorensen with what appeared to be a share transfer bearing her mother's signature. She had remonstrated mildly about the man's intermeddling with her mother's business affairs, whereupon the old lady had flown into a temper, accused the witness of being anxious to see her gone and of wanting the money for herself, and had ordered her out of the house. Soon afterwards Mrs. Loftos had received a curt letter from Sorensen telling her that he was writing by her mother's direction to say that she would no longer be a welcome visitor.

As Monash sat down I wondered whether there would be any cross-examination, for upon the value of cross-examination in committal proceedings there are two schools of thought. If there is any serious intention of making a submission that no *prima facie* case has been made out, then cross-examination is often necessary and justifiable to discredit a prosecution witness or to throw doubt upon his testimony from the outset. If it is obvious from the beginning that the prosecution has a *prima facie* case, then many advocates incline to the view that the truest wisdom is to ask as few questions as possible, or, indeed, to ask no questions at all. Cross-examination at the committal often tends to show the lines the defence will take before the court of trial, and when a question is asked of a witness in the court below it is robbed of all element of surprise when it is asked again by counsel after the prisoner has been arraigned before the jury which is to try him.

That these tactical considerations would have occurred to

Weld I had no doubt whatever, and it came as no surprise when, at the close of the examination-in-chief, he shook his head and indicated that he had no questions to ask. Matheson, I felt, would be likely to cross-examine at length, not so much because he hoped to achieve a great deal by it but simply because he wouldn't be able to resist the temptation. It seemed to me that to remain quietly in his seat and to reject the opportunity of cross-examining in a murder trial would call for more self-control than he possessed. As I saw him rise confidently from his seat I knew that my surmise had been correct and that Mrs. Loftos was about to cross swords with the major there and then rather than be reserved for cross-examination by counsel when the case should go on for trial.

"Mrs. Skeet was well known, was she not, to be a most irascible old lady?" boomed Matheson, by way of a beginning.

Mrs. Loftos looked blank, and then glanced in mute appeal at the magistrates as if asking them to rescue her from the attentions of the bald-headed, grim-looking man who was confronting her.

"I don't think the witness understands you," interposed Mr. Rose quietly.

"Ah! I see," Matheson allowed himself a half-smile and then turned again to the witness. "Your mother was well known for irritability, bad temper, a tendency to fly into sudden fits of anger?"

"I suppose she was, sir. She's given me the rough side of her tongue often enough."

"And she accorded the same treatment to her housekeepers, I dare say?"

"She did that, sir. Didn't seem to get on with any of 'em. I often told her that I wouldn't be a servant to her for all the tea in China."

"In the course of time she became, I suggest, quite well known locally as a person who was difficult to please?"

"Well, I must admit that few people had a good word to say for her. She could be a holy terror, mother could, when she was wrong side out."

"And I suggest that it became increasingly difficult for her to persuade anyone to come in and act as her housekeeper."

"I suppose it did. They say that blood's thicker than water, but I wasn't prepared to take it on myself."

"Quite so, ma'am! Quite so! Nevertheless someone had to take care of her in view of her age. She clearly wasn't fit to look after herself and to manage the house alone?"

"She had to have someone, sir. That I must admit."

"And she told you, did she not, when the last of her housekeepers left, that she was finding it impossible to get hold of a replacement?"

The witness nodded. "That's right, sir."

"Did she not tell you also that she had begged my client, Mr. Sorensen, to take up residence with her so that his wife might perform the duties previously falling within the province of the housekeeper?"

"She did indeed, sir. She put some advertisements in the paper, to begin with, but nobody seemed inclined to apply. Then she asked Mr. Sorensen if he could find someone for her, and when a week or two went by, and no one seemed to come, she did ask Mr. and Mrs. Sorensen if they'd move in with her. She told me so herself."

"Whereupon the Sorensens moved in?"

"Of course, sir."

"They took on duties in respect of a sick old woman which you, her daughter, weren't prepared to assume yourself?"

"You can put it that way. But I couldn't do it, sir, and that's the truth. I wasn't the only one, mind. There wasn't one of the family willing to put up with her quarrelsome, cranky ways. Mr. Sorensen was different. He knew how to manage her."

"She appeared fond of him, did she not?"

"I wouldn't say fond, sir. She respected him, if that's what you mean. She seemed glad to have him there."

"And Mrs. Sorensen? What was your mother's attitude to her?"

"Didn't hit it off, those two. Heard them having words, more than once, when I called at the house. That is, of course, before I was told that I hadn't to go there again. Wasn't allowed to visit my own mother in the end."

"You've said that my client told you that in a letter?"

"Yes."

"A letter which he said had been written at your mother's direction?"

"That's what he said."

"And Mr. Sorensen was in the habit of writing letters on your mother's behalf? You were well aware of that, I think?"

"Yes. I knew that he used to write letters for her. She was not much of a one for writing letters herself."

"Have you any reason to believe that the letter didn't contain a true expression of your mother's wishes? Do you think, after that last quarrel, that your mother really wanted to see you again at the house?"

"I don't suppose she did, sir. No, I can't say that there was anything in the letter that my mother hadn't asked to be put in herself."

"The share transfer you saw? Mr. Sorensen, I think, produced it in your presence quite openly?"

"He must have done. I'm certain that I saw him with it in his hand."

"And when you complained to your mother that she was allowing a stranger to meddle with her financial affairs she told you that Mr. Sorensen was the best friend she had?"

"That's what she said, sir. She was properly under his thumb, if you want my opinion."

"No, Mrs. Loftos," said Matheson severely. "Your opinion isn't evidence. Pray confine yourself to the facts. Your mother, I repeat, told you that Mr. Sorensen was the best friend she had?"

"She did say that, sir. I didn't agree with her but she said it."

"Very well, ma'am! Very well!" said Matheson, sitting down.

There was no re-examination, and as Mrs. Loftos left the witness-box Monash called for Mr. Soames, the manager of the County Bank with whom the old lady had kept her account.

Mr. Soames testified that from the date the Sorensens had gone to live at the house there had been regular weekly drawings from Mrs. Skeet's banking account. The cheques had been

presented by Sorensen, had been made payable to him, and had been signed, somewhat shakily, by the customer. The witness produced as exhibits the cheques themselves, together with certified extracts from the books of the bank showing the list of withdrawals made by Sorensen.

Again Weld had no questions, and again Matheson got up to cross-examine. He quickly established, by means of half a dozen questions, that long before the Sorensens had gone to live with her the deceased had been in the habit of drawing a fixed sum from the bank each week, that those withdrawals had been entirely consistent with weekly drawings for current living expenses, and that there had been no increase in the weekly amounts since the cheques had been drawn in favour of Sorensen.

"Can you point to a single cheque, drawn in favour of my client, for an amount in excess of that which the deceased had been accustomed to withdraw herself?"

"I can not, sir. No!"

Mr. Soames was succeeded in the witness-box by Mr. Gibson, a well-known local stockbroker, who had acted for Mrs. Skeet for many years. During the months preceding her death his firm had bought and sold securities on her behalf, and although the share transfers had been signed by Mrs. Skeet the instructions to buy and sell had been given by Sorensen, as agent acting on her behalf.

Again Weld declined to cross-examine, and it was left to Matheson, once more, to stand up and put some questions on behalf of his client.

"When securities were sold on behalf of Mrs. Skeet, to whom were the cheques for the proceeds made payable?"

"Naturally, to Mrs. Skeet—as the person selling."

"And all those cheques, I think, were duly cleared by payment into her bank?"

"They were indeed, sir."

"You paid not a penny to my client, Mr. Sorensen?"

"No. It would have been quite wrong of me to have done so."

"When funds were re-invested, in whose names were the new securities placed?"

"In the name of Mrs. Skeet."

"Not a single share, paid for with her money, was placed in Mr. Sorensen's name?"

"Not one, sir."

"Now, Mr. Gibson," went on Matheson, dropping his voice a little to indicate that his next question was going to be an important one. "As a stock and share broker you are, as I feel sure the court will recognise, an expert in matters connected with the stock-market." The witness gave a slight bow. "As an expert," pursued Matheson, "you are entitled to give expression to your opinion. How would you describe the systematic re-investment of Mrs. Skeet's resources, which began soon after the date upon which my client went to live with her?"

"As a most prudent redeployment of her available funds—a redeployment which has been entirely justified by results."

"There has been marked capital appreciation, has there not, in the value of some securities purchased for her at Mr. Sorensen's direction?"

"There has in general. In one instance there has been a capital loss."

"Perhaps you'll be good enough to explain how that loss arose."

Mr. Gibson went on to explain that Mrs. Skeet had possessed a large holding of savings certificates, which increased in value as they reached maturity but yielded no current income whatever. The certificates had been encashed and the proceeds laid out in the purchase of an annuity upon the old lady's life.

"Did Mr. Sorensen express any view as to the wisdom of purchasing such an annuity?"

"He was all for it, sir. Said the old lady needed income, and I must admit that I agreed with him. One requires a great deal of invested capital these days to yield a safe and reasonable return. In view of her advanced age Mrs. Skeet was able to buy additional income upon very favourable terms."

"The capital used to purchase the annuity would, however, be lost to those coming after her?"

"Of course!"

"Postulate, if you will, that the accused had been left the old lady's estate by her will, and knew that she had made such provision for him. By advising her to purchase an annuity he would, in effect, be reducing the amount of capital available to him at her demise?"

"That is so, sir."

As Matheson indicated that he had finished with the stockbroker, Monash got up to re-examine.

"Mrs. Skeet's untimely death, so soon after the annuity had been taken out, meant that the person who had contracted to make the annual payments to her would profit very considerably?"

"Of course! She died before she had time to draw any of the annual income, whereas the purchase price had been paid over in a single capital sum."

"To whom was the purchase price paid?"

"To the Universal Insurance Company," said Mr. Gibson. "The contract was negotiated through my office. Indeed, I may say that I received some commission from the company concerned for placing the business with them."

"No trace of any documents relating to the transaction has been found among the deceased's personal papers."

"That may well be so. All correspondence in the matter was sent to Mr. Sorensen. The deed itself is in my office safe."

"Did it not occur to you to communicate this important information about the annuity to the police authorities when the investigation into Mrs. Skeet's death began?"

"It did not, sir. A police inspector came to see me and I told him what he wanted to know about the re-investments."

"Why did you not mention the annuity?"

"He never asked me about it, sir."

Having received from the stockbroker an answer he didn't want, Monash called the solicitor who had been instructed to prepare the old lady's will. Harry Pemberton, in chief, told the court about the visit he had received from Mrs. Sorensen. She had told him that her employer was extremely ill and wished to make a will naming her, Mrs. Sorensen, as sole beneficiary. Pemberton said that he had thereupon visited Mrs. Skeet at her

home and had interviewed her alone. She had then made it clear that she wished to make a will but that she desired to leave all she had to Sorensen.

"I told her that I had understood that the sole beneficiary was to be Mrs. Sorensen," went on Pemberton. "I thought there might have been some misunderstanding or mistake. She was emphatic that Mrs. Sorensen was to receive no benefit whatever. All her estate was to go to the man—to John Sorensen—and I made the will accordingly."

Matheson, still anxious to make every point he possibly could in favour of his client, got up to cross-examine.

"You were not aware, I suppose, that the testatrix had been represented for many years by another firm of solicitors, a firm which had made any number of previous wills for her?"

"I was not aware of it. Neither the testatrix herself nor either of the Sorensens made any mention of another firm. Had I known that Mrs. Skeet had been someone else's client I should, of course, have declined to see her. I assumed that she had no other legal adviser."

"Quite so, Mr. Pemberton! Quite so! Your reaction would have been entirely proper—would have been, if I may say so, what one would have expected of you. The original instructions, now? Those came, I think, from Mrs. Sorensen alone?"

"They did. But of course one doesn't accept instructions in the matter of a will at second-hand. I said that I would have to see the testatrix and I did so. Moreover, I saw her alone so that I might be sure that the instructions communicated to me represented what she herself desired to do."

"And I think that the wishes of the old lady did not correspond with the instructions you had received from Mrs. Sorensen?"

"They did not, sir. Mrs. Skeet made it plain that she did not wish Mrs. Sorensen to take any benefit whatever. It was the husband, not the wife, who was to be the exclusive object of her bounty. Upon that she was quite emphatic."

"And her family? Was anything said as to provision for her children?"

"It was. I raised the matter myself. I asked what family she

had, heard that there were sons and daughters, and asked what provision was to be made for them."

"And your answer?" said Matheson, knowing perfectly well what reply he was likely to receive.

"The testatrix spoke of her family with some feeling. She told me that despite her age and state of health they had done nothing for her, and she went on to add that they were already well provided for. She went on to say that Mr. Sorensen was the only friend she had, explained that he had assumed the duty of caring for her when no one else would, and expressed her desire, in terms of some vehemence, to recompense him for what she called his kindness. In view of those instructions I could do no other than draw the will in his favour, as I had been directed."

"And it was drawn and duly executed accordingly?"

"It was."

"And what became of it?"

"I took it back to my office. The testatrix had asked me to keep it in safe custody for her."

"Did you tell Mrs. Sorensen that the will, as executed, benefited not her but her husband?"

"I did not, sir. To do so would have been a gross breach of professional confidence. I merely told Mrs. Sorensen, as she showed me out, that the will had been made and duly executed."

"She may, then, have assumed that it had been drawn in accordance with the directions that she herself had given you—that she, rather than her husband, was the beneficiary it named?"

"She may have assumed that, most certainly. But I drew the will, as I have said, not in accordance with the instructions given by Mrs. Sorensen but in accordance with the directions and desires of the testatrix herself."

"Very proper, Mr. Pemberton! Very proper indeed! May I take it that the contents of the will weren't communicated to the sole beneficiary Mr. Sorensen?"

"The terms of the will were not communicated to him by me. What the testatrix herself told him, of course, I have no means of knowing."

"It may well be, then, that he didn't know, until after the old lady's death, that she had left every penny she possessed to him?"

"That may well be so."

"I'm much obliged," said Matheson, sitting down and then making a note in the book before him. I could tell by the tone of his voice and general attitude that the major was enjoying every moment of the hearing. To be defending in a murder case, to know that every eye in the courtroom was on him, that every ear was listening intently to what he said—these were stimuli that roused the major to his egotistical best. And an added stimulus was afforded by the fact that Weld was in the arena beside him—a Weld, moreover, who didn't seem disposed to ask a single question and appeared to take it for granted that the Crown could establish a *prima facie* case against his client—that committal was inevitable. And, as it became clearer as witness succeeded witness that Weld's intention was to say as little as possible, so did Matheson's challenging line of cross-examination seem to stand out in contrast with the inaction of his colleague. Whatever the outcome of this preliminary examination, one thing was clear, Matheson was making a fight of it, whereas Weld seemed to be doing nothing beyond sitting there and taking a note.

When Dr. Depree was called to give an account of his visit to the old lady's house on the sixteenth of May I felt that here, at last, was an opportunity for Weld to ask one or two questions, for the doctor's evidence seemed to affect his client alone. The doctor deposed that it was Mrs. Sorensen who had visited his surgery, Mrs. Sorensen who had asked him to pay a visit to the house, Mrs. Sorensen who had explained that the old lady intended to make a will, and Mrs. Sorensen who had appeared so anxious to establish that her employer was of testamentary capacity. But despite the fact that his client's name cropped up time and again in the doctor's evidence, Weld again declined to cross-examine, and it was left to Matheson to ask such questions as might be of some assistance to the defence.

"I gather, doctor, that Mr. Sorensen wasn't present either

at the visit to your surgery at which the call upon Mrs. Skeet was arranged, or at the consultation itself?"

"He was not, sir. I saw nothing of him on either occasion."

"Was he present in the house during the time you interviewed Mrs. Skeet with a view to discovering whether or not she was fit to make a will?"

"Nö, sir. He arrived at the house just as I was leaving it. We met, indeed, upon the garden path."

"Did he make any attempt to ascertain the purpose of your visit?"

"No. He simply said good-day, I did likewise, and that was the only exchange of words we had."

"I gather, from your evidence-in-chief, that on May the sixteenth you found the testatrix perfectly clear in her mind, mentally alert, and quite capable of formulating and carrying out her testamentary intentions?"

"I did, sir. Mrs. Skeet was in full possession of all her faculties and I had no hesitation in saying so."

"And you said so to Mrs. Sorensen, the person who had called you in?"

"I did."

"You were called in again during the forenoon of June the eighth—the day of the old lady's death?"

"I was."

"And again it was Mrs. Sorensen who was responsible for your visit to the house?"

"It was."

"Did you see my client Mr. Sorensen upon that final visit?"

"I did, sir."

"Did you notice anything about his demeanour and attitude upon that morning?"

"Yes. It appeared to me that he was very upset indeed—very concerned about the old lady's death."

"Would it be fair to describe him as giving every appearance of surprise and shock?"

"I think it would. I remember particularly that he said something to the effect that Mrs. Skeet had been reasonably well on

the previous evening, and that he had found her critically ill about eight o'clock on the morning that she died."

"I think you asked him how it was that he had noticed nothing of that sudden deterioration in her condition during the night?"

"I most certainly did ask that question. It seemed to be important. He said that he had been sound asleep, and that it had been his wife who had sat up with the old woman throughout the night."

"Very well, Doctor! Very well!" said Matheson, "I'm very much obliged to you."

Monash rose to his feet, but instead of calling his next witness he glanced significantly at the courtroom clock.

Mr. Rose followed his glance, got up and turned round to the magistrates, and had a few whispered words with Miss Murgatroyd in the chair.

"You may call your next witness at half-past two," said Miss Murgatroyd. "My colleagues and I propose to adjourn until then."

Everyone in the crowded courtroom rose as the justices filed out to their retiring-room, and then Matheson left the advocates' table and, with his clerk clearing the way in front of him, strode purposefully out to the corridor. As he passed through the crowd of people clustering in the well of the court one could see that he was the centre of attention—that he so liked to be.

I watched Weld get up and slowly walk out after him, apparently unnoticed. He had played such a negligible part in the proceedings that, apart from the brief announcement that he appeared for Mrs. Sorensen, one might have failed to notice that he'd been there.

Whether Matheson's cross-examination would prove to be of any value to his client I didn't really know. Whether he would attempt a submission, and, if he did so, whether that submission would be successful, were questions which would have to wait for answers until late in the afternoon.

But as I glanced at the dozen or so reporters, rapidly transcribing their shorthand notes and, at the same time, performing those

miracles of compression that are part of the journalist's stock-in-trade, I realised that Matheson had achieved a resounding success already.

He had taken good care, as always, that he would have a good Press. Whether he was a good lawyer or a bad one was a question which was open to argument, but one thing was certain: he knew that advertising pays.

11

THE first witness to be called for the Crown, when the justices resumed the hearing at half-past two, was Mr. Galloway, a dispensing chemist who kept a shop in Shelton. He turned out to be a bony little man, with ears disproportionately large for his small bald head, and he put me in mind of a melancholy gnome as he stood nervously in the witness-box waiting for counsel's opening question. But despite his rather comical appearance one could sense a heightening of tension in the crowded courtroom as soon as he set his course for the witness-box, for Monash had made it clear in his opening that the case for the Crown largely hinged upon what the chemist would say.

Mr. Galloway didn't say a great deal, but what he did tell the court went a long way towards establishing a *prima facie* case for the Crown so far as Mrs. Sorensen was concerned. He had been serving in his shop, he said, on the afternoon of the twenty-fourth of May, when a middle-aged woman had come in and asked for a tin of proprietary rat poison. He had served her himself, and had recorded the sale on an old-fashioned till-roll that did duty as a cash register in his little shop. The roll of paper taken from the till, which he produced in evidence, enabled him to fix the date of sale with certainty.

He went on to say that he had stocked the proprietary brand of rat poison he had referred to for many years past, it could be sold over the counter quite freely without the formality of a signature in the poisons register, and he recalled the sale clearly because the purchaser had asked him if he could recommend an ointment for an ulcerated leg.

He had declined to prescribe an ointment, telling his customer that she should seek medical advice. He had later received a visit from a police officer, and as a result of what he had told that officer he had been asked to attend an identification parade at

police headquarters. There, upon the parade, he had picked out Mrs. Sorensen, from a dozen other women of similar age, height, and build, as the person who had purchased the tin of rat poison from him on the twenty-fourth of May.

"Did you notice anything about the female defendant upon her visit to your shop which you failed to notice when you picked her out on the parade?" said counsel.

"Yes, sir. There was just one thing," said Mr. Galloway readily. "When I saw the lady in my shop she was wearing a hearing-aid. When I identified her on the parade she was wearing no appliance whatever. But I've no doubt it was the same woman. No doubt at all."

"I'm very much obliged," said Monash, sitting down.

Now, at last, I felt certain that Weld must cross-examine. Having regard to what had been said in opening about the post-mortem findings the evidence of Mr. Galloway was damning in the extreme. There had, moreover, been photographs of the Sorensens in both the local and the national Press, and it was possible that the chemist had seen them and been influenced by them at the time he had gone upon the parade. But again Weld shook his head to indicate that he didn't propose to cross-examine, and as the chemist's evidence in no way implicated Matheson's client, the major, too, had no questions to ask.

Dr. Devers succeeded Galloway in the witness-box, and although the courtroom was crowded to capacity there was complete silence as he took the oath and turned towards Monash for his examination-in-chief. One sensed that his evidence was going to be crucial to the case for the Crown, and I found myself leaning forward expectantly to catch counsel's opening question.

But the questions, to begin with, seemed innocuous enough, and were clearly intended to do no more than fill in the background against which the closing scenes in the old woman's life had been enacted on the seventh and eighth of June.

Mrs. Skeet, said the doctor, had been under his care intermittently for some time, and he therefore knew her well. She had been in reasonably good health for her years, and, apart from some bronchial trouble; had a good expectation of life.

He had therefore been surprised to receive a visit from Mrs. Sorensen on the seventh of June and to be told by her that the old lady had suddenly become seriously ill. Mrs. Sorensen had said that she feared that something might happen to her employer during the night.

"In consequence of that call, I believe you paid Mrs. Skeet a visit?" said Monash.

"I did, sir. I went across to see her immediately. I arrived at her home at about twenty minutes past six."

"Did you examine her?"

"Yes. In view of what Mrs. Sorensen had said I examined her most carefully. Apart from a mild bronchitis I could find nothing to justify alarm. I wrote out a prescription for the bronchial condition and I left her at about ten minutes to seven. Apart from the mild bronchitis I've already referred to she seemed perfectly well."

"Were you called in again?"

"I was. At nine o'clock on the following morning. Mr. Sorensen visited my surgery and told me that the old lady had relapsed into a coma and was in a critical condition. He asked me to visit her at once."

"You went to see her?"

"Yes. Immediately."

"And her condition when you arrived?"

"She was dying," said Dr. Devers quietly. "By the time I got to her she was beyond all medical aid. I told the Sorensens that there was nothing I could do to save her—that matters had gone too far."

"Could you find anything to account for the change in your patient's condition overnight? On the evening of the seventh I gather from your evidence that she was reasonably well—certainly in no immediate danger. Some fourteen hours later you visit her again and find her *in extremis*. Were you able, at that time, to discover any satisfactory reason for the radical alteration which had taken place in that relatively short time?"

"No. It was inconceivable that the change could be due to natural causes. What is more, I found petechial haemorrhages—

that is to say pin-point haemorrhages—upon the body. I thought this a most significant sign.”

“A sign of what?” said Monash.

“Of poisoning. I told the Sorensens that death was imminent and I added that I could not, in the circumstances, issue a certificate. Having made that plain I left the house.”

“Two more small points, doctor,” said Monash. “At your meetings with Mrs. Sorensen did you observe her to be suffering from any physical disability or infirmity?”

“Well, she was rather deaf, I think. At all events, I never saw her without a hearing-aid. And even with that she seemed to have difficulty in catching what I said. And on one of my visits to the house she told me that she was suffering from an ulcerated leg and asked my advice about it.”

“And what advice did you give?”

“I told her to see her own panel doctor,” said the witness shortly. “She wasn’t my patient and I wasn’t prepared to treat her.”

“Quite so! Quite so! It would have been a breach of professional etiquette if you had. Thank you, Doctor. I have no more questions.”

Matheson got up to cross-examine, scarcely waiting for Weld to give yet another negative shake of the head.

“When you visited the house, on the evening of the seventh, did you see any sign of my client, Mr. Sorensen?”

“No. I was admitted to the house by his wife. Of the husband I saw nothing.”

“Your first meeting with him, I think, was about nine o’clock on the following morning, when he came to tell you that the old lady was critically ill and required medical aid at once?”

“That is so.”

“Would it be fair to describe him, on that last morning, as a man exhibiting every indication of deep concern?”

“He certainly gave me that impression. He was agitated—almost incoherent.”

“Alarmed?”

“He undoubtedly appeared to be.”

"And he was insistent that you should visit the old lady without any loss of time?"

"Quite true! His words, as I remember them, were to the effect that it was a matter of life and death."

"As indeed it was?"

"Yes."

"Was he present when you made that last examination of your patient?"

"He was. Both defendants remained in the bedroom throughout."

"What was his reaction when you stated that the old lady was beyond all medical aid?"

"He appeared to be shocked."

"Did he not say something to the effect that Mrs. Skeet, apart from her bronchitis, had seemed reasonably well on the previous night?"

"I believe he did."

"And then, I think, you asked him when he had first observed any sign of the dramatic deterioration in her condition which had taken place overnight?"

"I did ask him that. It seemed to be important."

"Do you remember his reply?"

"He said that he had gone to bed, as usual, and had slept throughout the night, leaving the old lady to be looked after by his wife. He had gone into the patient's bedroom at about eight o'clock on the following morning, had found her in a coma, and had hurried out in search of me."

"He said all that, I think, in the presence of his wife and fellow-prisoner?"

"Yes. She was there throughout."

"Did she dissent in any way from her husband's statement?"

"Not at all. Indeed, now I come to think of it, she acquiesced in what he had said."

"I am much obliged, Dr. Devers," said Matheson, sitting down with the satisfied air of someone who has been fortunate enough to get precisely the answers he has been angling for. "Very much obliged."

As the doctor stepped down from the witness-box a sudden ripple of subdued yet excited conversation ran around the courtroom, and a constable acting as usher had to call for silence as the next witness made his way into court.

Dr. Banning, having been duly sworn, told the justices that he was a consultant pathologist attached to the Home Office Forensic Science Laboratory for the County. On the ninth of June he had carried out a post-mortem examination of the dead woman's body and had removed certain organs, including the liver, for further examination in his laboratory. The liver had appeared necrotic—had been bright yellow in colour and of a cheesy consistency. The stomach had contained an ounce or two of fluid and some particles of bran. Petechial haemorrhages had been observed upon the upper portions of the body. In his opinion death had been due to phosphorus poisoning, and he believed that the poison had been administered in one massive dose on the evening before her death, or in smaller and successive doses throughout the ensuing night. He had also examined a tin of proprietary rat poison, which he produced. The poison consisted of yellow phosphorus in a flavoured carrier of bran. The taste of it could be masked quite easily by mixing it with rum or brandy.

"Postulate, Doctor, that a lethal dose of yellow phosphorus had been given to this lady," said Monash. "What symptoms would she be likely to exhibit?"

"She would have a raging thirst," said Dr. Banning.

"The death, then, would be a painful one?"

"A very painful one indeed."

Dr. Banning was followed by a staff chemist, who described the tests he had carried out upon the contents of the stomach. A lethal dose of free phosphorus had been found, together with particles of bran similar to those used in the manufacture of the proprietary poison which had been produced in evidence.

Having got the scientific evidence out of the way, Monash proceeded to call his police witnesses. The magistrates were told of the interviews which Inspector McTavish and officers assisting him had had with the two accused, of the voluntary

statements made by each of them which were then produced as exhibits, and of the identification parade upon which Mrs. Sorensen had been picked out as the person who had made the purchase from the chemist's shop in Shelton. The police witnesses, in turn, with notebooks open before them, went evenly on; the typewriter chattered busily as their depositions were recorded; and as the clock in the courtroom moved on to a quarter to seven Mr. Rose finished reading the testimony of the last witness and then Monash rose to announce that he closed the case for the Crown.

The justices' clerk cocked an enquiring eye at the advocates in front of him as if asking if either of them intended to make a submission. Weld gave a slight, almost imperceptible, shake of the head, as though he realised that a submission of no case on behalf of his client would be useless. Matheson, however, rose slowly to his feet, took a sip or two from the glass of water in front of him, arranged his notes on the lectern with elaborate care, as though he had all the time in the world, and cleared his throat impressively. With every eye in the courtroom riveted on him one could sense that he felt perfectly at home. He seemed, indeed, to be luxuriating in what, for the accused, must have been an unbearably tense moment—savouring it in a manner that gave me the impression that he was reluctant to begin.

"You have a submission, Mr. Matheson?" asked the justices' clerk.

"I have indeed! A submission, may it please your worships, that the evidence adduced against my client Mr. Sorensen has failed to establish a *prima facie* case against him; that no jury, properly directed, could reasonably convict him upon the testimony you have heard; and that instead of committing him to take his trial at the next assize you should discharge him here and now."

A ripple of excited comment ran around the courtroom and Matheson waited, with perfect self-possession, for it to subside into complete silence before he deigned to go on.

"From the mere fact that my client took up residence at Mrs. Skeet's home nothing is to be inferred against him: the last of the housekeepers had deserted her; her reputation made it difficult,

if not impossible, for her to get another; and even her own daughter, the witness Mrs. Loftos, was apparently unwilling to go and look after a mother whose advanced age and infirmity might have been expected to command a daughter's care. That he agreed to take up residence in the house is, in my submission, greatly to his credit, and one is not surprised that Mrs. Skeet should have referred to him as the best friend she had."

The major, warming to his work and obviously enjoying every minute of it, went on to deal with the old lady's breach with her daughter. Was it really very surprising that a breach should have occurred? The daughter herself had said, in answer to a question in cross-examination, that she didn't believe that her mother wanted her to pay any further visits to the house, and had conceded that the letter written by Sorensen, placing an embargo upon further calls, had probably contained a true expression of her mother's own wishes and could well have been written at the direction or dictation of the old woman herself.

Having dealt with the daughter, Matheson passed smoothly on to the question of the old lady's bank account and investments.

"My learned friend, who appears to prosecute, saw fit to call before you the deceased's bank manager and stockbroker, his purpose being—as I understand it—to establish that my client Mr. Sorensen had assumed the conduct and control of her financial affairs. That he did assume such conduct and control is perfectly clear from the evidence, but having regard to what you have heard about Mrs. Skeet's age and infirmity you may not be surprised that she should have found it necessary to invoke my client's aid in relation to her business affairs. If the prosecution sought to establish some malpractice on the part of Mr. Sorensen it is clear, beyond any peradventure, that they have failed and failed miserably."

Matheson paused for a moment, took another sip of water, and then proceeded to deal with the way in which his client had discharged his trust. The banking transactions had been conducted with complete propriety and were entirely consistent with those regular weekly withdrawals for living expenses which the old lady had been in the habit of making long before the

Sorensens joined her at the house. The redeployment of the deceased's financial resources had been characterised by acumen and prudence, and had, in general, been productive of most beneficial results. And there was one aspect of the evidence relating to the investments which, in his submission, conclusively established that Sorensen had been actuated by the purest motives, motives which—having regard to the will—redounded to his own disadvantage.

“Postulate, if your worships will, that my client had desired the untimely death of this old woman so that he could become possessed of her estate. Would he have been likely, in such circumstances, to counsel the purchase of an annuity? By purchasing an annuity a considerable capital sum was lost to the estate, and that loss resulted in a reduced benefit to those coming after her. Had my client desired to compass the death of Mrs. Skeet for his own profit and advantage, you may think that the last thing he would have done would have been to advise the purchase of an annuity upon a life which he planned to end—a course which would necessarily result in a considerable diminution in the value of the benefits conferred upon him by the will.”

Having made what was obviously a telling point in his client's favour, Matheson went on to show that there was no evidence whatever linking the two accused together—no evidence which in any way tended to establish that husband and wife had been working together in pursuance of a common felonious design.

“You may, indeed, come to the conclusion that, in relation to the will at any rate, Mrs. Sorensen was acting quite independently of her husband, and was trying to secure advantages to herself to his complete exclusion. The original instructions, given by her to Mr. Pemberton, indicated that she, Mrs. Sorensen, was to be the sole beneficiary under the terms of the old woman's will. Those instructions were subsequently changed at a private interview between the testatrix and her solicitor, the husband being substituted for the wife, and there is not a shred of evidence to show that my client Mr. Sorensen knew what the will contained or realised that he had been named as the sole object of the testatrix's bounty. The only persons who knew what the will contained

were Mrs. Skeet herself and her solicitor. The solicitor has said that he did not divulge the contents of the will to anyone, and that the testatrix did so herself is no more than a conjecture unsupported by the evidence.

Matheson went on to concede that elaborate steps had been taken to ensure that the old lady was of testamentary capacity. Those steps had been taken not by his client but by his client's wife, and there was not a scrap of evidence to show that Sorensen knew of Dr. Depree's visit for the purpose of establishing that Mrs. Skeet was of sound mind and understanding.

"As to the purchase of the poison—and your worships may feel, perhaps, that it is the most vital piece of evidence in the case—there is nothing whatever to connect my client with the visit to the chemist's shop. Indeed, Mr. Galloway has testified that the poison was purchased by Mrs. Sorensen alone.

"The vital visit to Dr. Devers on the evening of the seventh of June is again something which affects Mrs. Sorensen, and Mrs. Sorensen alone. Sorensen, in his statement, has said that he himself had noticed no sudden change in the old lady's condition on the evening before she died, a view which corresponded exactly with the findings of Dr. Devers."

As he reached the point at which he had to deal with the happenings of Mrs. Skeet's last night alive, Matheson lowered his voice a little and began to speak with a slow deliberation which gave time for every point he made to sink into the magistrates' minds.

The evidence was that Mrs. Sorensen had sat up with the old woman during the last night of her life. Sorensen himself had maintained from first to last that he had gone to bed and slept throughout the night, and his wife, in her statement, had confirmed her husband's account of the matter. There was not a particle of evidence to indicate the contrary, and in view of the medical testimony as to the time at which the poison had been ingested there was not a scintilla of evidence to prove, even *prima facie*, that his client was responsible.

"One thing we do know, your worships, beyond any peradventure. When my client saw the old lady's condition on the

early morning of the eighth of June, he rushed out of the house to obtain some medical assistance. Dr. Devers has told you that Mr. Sorensen was distressed—profoundly shocked. The doctor described him as agitated and as almost incoherent. When Dr. Devers intimated that he didn't feel able to sign a death certificate an attempt was made to obtain such a certificate from another medical man, Dr. Depree. But that attempt was made not by my client but by my client's wife, and Dr. Depree has testified that Mr. Sorensen appeared to be very upset indeed at the old lady's death, surprised at the radical change in her condition which had occurred so suddenly, and explained that he couldn't account for that change because he had been asleep in bed—an explanation which was given not only to both doctors but also to the police, and an explanation, moreover, which was acquiesced in by my client's wife."

Matheson paused, and when he began to speak again his delivery was slower and more deliberate than ever.

"The circumstances of this old woman's death have, and I concede it frankly, surrounded my client with suspicion. But suspicion, your worships, is not enough. Conjecture is not enough. Nor is it enough to establish—and I submit that the prosecution have done no more—that my client was in the house at the material time and that he had the opportunity to commit the crime with which he has been charged. Had the prosecution adduced evidence which tended to show that the two accused had been acting in concert then I would have conceded that such evidence would have been sufficient to establish a *prima facie* case against my client. But evidence that they acted in pursuance of a common design has not been given—indeed, the testimony of Mr. Pemberton in relation to the instructions for the will tends to establish that the accused were working against rather than with each other.

"It is inconceivable, in my submission, that any jury, properly directed, could find John Sorensen guilty of murder upon the evidence contained in the depositions taken before you to-day. I therefore invite you to say, upon a consideration of the evidence, that no *prima facie* case against him has been made out, that you

are not prepared to commit him, and that he should accordingly be discharged."

As soon as Matheson sat down a buzz of excited comment rose from the public benches behind him, and then the justices rose and trooped out to their retiring-room to consider the submission he had made. Then, with his clerk clearing a way through the crowded courtroom, the major began to make his way out to the corridor. The magistrates would obviously take some time to go through the depositions, and I suspected that Matheson proposed to wait in comfort until they should return.

"Well?" said Harry Pemberton, when I reached the solicitors' room. "And what did you think about that?"

"It made sense to me," I said. "Quite clearly, the case is home and dried so far as the woman is concerned. Galloway's evidence alone about the purchase of the poison involves her up to the hilt. But I can't see what evidence there is against the man. He was in the house, I grant you. I suppose one could say that he had the opportunity of administering the poison if he wanted to. But surely that falls short of establishing a *prima facie* case. What do you think?"

"I think Sorensen is a very clever man," said Pemberton. "A very clever man indeed. I've met the woman, remember, and I can't for the life of me believe that she's capable of planning a particularly cruel murder. Every bit of evidence against her is capable of the interpretation that she was acting throughout upon the direction of her husband. She purchases the poison—but how do we know that he didn't put her up to it? She goes for Depree to certify that the old girl's of sound mind and understanding—the husband could have put her up to that as well. It's the wife all the way upon the surface, but who was pulling the strings behind the scenes?"

"It may have been the husband, but the prosecution certainly haven't proved it. And surely you're forgetting your own evidence about the will?"

"I'm not forgetting it at all. It's perfectly true that Mrs. Sorensen did tell me that she was to be the sole beneficiary, but the old woman made it plain, as soon as I saw her, that it was

the husband and not the wife who was to take whatever she had to leave. If Sorensen sent his wife to me with the wrong story it would divert suspicion from him, give the wife a motive, and tend to negative the theory that they were acting together in the matter."

"But you didn't tell Sorensen what you'd put in the will."

"I know. But I feel certain that he wouldn't have the slightest difficulty in worming it out of the old woman. In fact, I don't doubt that she volunteered the information herself. She seemed to think the world of him, and he must have felt quite certain that when I made the will his name would be in it—no matter what preliminary instructions his wife might have given."

"But what about the bank accounts and the investments? He dealt with those honestly enough."

"Why should he do otherwise? If he intended to get hold of the estate after the old woman's death he'd every reason to conserve it in the meantime. To have robbed her during her lifetime would have been foolish—and Sorensen's not a foolish man. He knew that the property was coming to him and he made some admirable re-investments against the day it was going to fall into his lap."

"I take your point," I said. "But if Sorensen made those re-investments with an eye to his own ultimate benefit, why did he advise the purchase of an annuity? It's nonsense to suggest that he killed the old woman for what he could get when the plain fact is that a considerable capital sum was laid out in the purchase of an annuity only a short time before she died. It seems to me that the evidence about the annuity goes a long way to exculpate Sorensen completely."

"Certainly! It provided Matheson with the best point he had. On the other hand, you know, one must remember that this Sorensen's an extremely cunning fellow. The purchase of that annuity could be the master-stroke in the plan to divert suspicion from himself. The fact that the annuity was bought at his instigation looks, on the face of it, to be a move based on the belief that the old lady had a good many years ahead of her. It seems quite inconsistent with the wish to get her out of the way as quickly as possible. And yet, you know, the amount laid out

for the purchase of that annuity will be money well spent, so far as Sorensen is concerned, if it destroys the case against him and allows him to escape scot-free."

"You may well be right," I admitted. "Mrs. Sorensen may be no more than a puppet, with her husband making the plans and manipulating the strings behind the scenes. But if she's done what she has done at his direction, why on earth hasn't she said so in her statement? It might at least go in mitigation if the court of trial came to the conclusion that she's been no more than a tool in the hands of an unscrupulous man."

"It's my belief that even now—when she's in arrest and away from him—she's still completely under his thumb. I don't believe that she's got any mind or will of her own. She's been married for thirty years or so, remember, and my guess is that she won't say a word to incriminate the man who still dominates her completely. Even if she did bring him in it wouldn't make much difference to her. There's no doubt whatever that she purchased the poison, it's odds on that she administered it, and even if a court were convinced that she acted under her husband's orders she'd still be found guilty of murder."

"I know. It's curtains for her in any event. I suppose that the real truth of this Sorensen case is something we shall never know. But if Sorensen was behind it all he seems to have covered his tracks completely, and although the prosecution have to prove very little to establish a *prima facie* case upon a charge such as this, I can't see a scintilla of proof so far as the man's concerned."

"We shall soon know," said Pemberton, as a police-officer popped his head round the door of the solicitors' room to indicate that the magistrates were coming back again. "Get a move on, or we'll be too late."

By the time we got back into the courtroom the magistrates had resumed their seats, and the two prisoners were standing side by side in the dock looking towards them. Mrs. Sorensen looked strained and pale, and I noticed that she was gripping the ledge of the dock tightly with both hands so that the knuckles stood out sharply. Sorensen stood erect beside her, with impassive face, betraying no sign of emotion whatsoever.

Miss Murgatroyd took a sip of water from the tumbler in front of her, cleared her throat, and waited for complete silence to fall on the crowded courtroom before she began to deliver the justices' ruling upon the submission which Matheson had made.

"My colleagues and I have given careful consideration to everything Mr. Matheson has said. We have also, during our retirement, gone over every word of the evidence adduced before us to-day. Having done that we are forced to the conclusion that such evidence is manifestly insufficient for us to find that a *prima facie* case has been made out against the prisoner John Sorensen. So far as his wife and fellow-prisoner Matilda Sorensen is concerned, however, we find that a *prima facie* case has been clearly established against her by the most cogent evidence, and I direct you, Mr. Rose, to put the charge to her."

"May my client be discharged?" said Matheson, half rising from his seat.

The chairman gave a nod of assent and Sorensen turned and made his way to the steps which led down to the cells below. There, after collecting his property, he would be released from police custody, leaving his wife to stand committed alone upon the charge which had been laid against them both.

The formalities which followed went on in an atmosphere of anti-climax. The charge was read out to Mrs. Sorensen and then, under Weld's prompting, she whispered that she was not guilty. Asked if she proposed to give evidence herself at that stage, or to call any witnesses, she timidly murmured that she reserved her defence. When these replies had been recorded Miss Murgatroyd committed her to take her trial at the next court of assize for the county, and after she had done this the prisoner was led away to the cells below. I noticed Weld get up and follow her, and then the justices' clerk made the formal announcement that the business of the court was over and he and the magistrates made their way out. The committal proceedings in the Sorensen case had been completed, and the final act in the drama would be played out at the next assize.

Matheson, in the meantime, was free to enjoy his moment

of triumph to the full. Another man might have slipped unobtrusively away by one of the doors at the back of the court buildings, so as to escape the crowd which was clustering around the main entrance in South Kemp Street. But a discreet and modest withdrawal was not the major's way.

I watched him pass slowly through the courtroom, obviously savouring to the full the murmurs of congratulation which met him on every side. He made his way to the solicitors' room, with a couple of clerks fussing around him, and there he lit a cigar, put on his hat at its usual jaunty angle, and picked up his rolled umbrella. Then followed an unhurried progress along the crowded corridor and a descent to the street below.

Outside in South Kemp Street a large crowd had assembled upon the forecourt, and I caught a glimpse of Matheson's Bentley drawn up alongside the kerb with the major's chauffeur in attendance. As the old man reached the door he stood for a moment or two on the steps while flash-bulbs flared, cameras clicked, and reporters came forward to catch some word of comment from the solicitor who had got Sorensen away on a submission. And then, when the photographers were satisfied, two uniformed policemen cleared a way to the waiting car and Matheson stepped into the back seat and was whisked smoothly away.

Of Weld I saw nothing. I surmised that he had probably had a word with his client and that he had then made his way out through one of the doors at the back of police headquarters. But I knew that even if he had taken his leave at the same time as Matheson his going would have excited no attention whatever.

This was Matheson's day and like the arrant showman he was he had exploited it to the full. And I knew that his moment of triumph would taste all the sweeter because he had gained it with a colleague beside him whose apparent inaction had made his own efforts seem doubly striking by comparison.

It seemed to me that Matheson had not merely won the Sorensen case but that he had won the final round of his battle with Weld. The long campaign between them was surely over at last.

Despite Weld's undoubted gifts as a lawyer I was brought to realise at last that, in the kind of war he had been waging, he was no match for Matheson. His heart had never been in the struggle—a struggle which he had never wanted—and when he finally had to vacate his offices he didn't put up his plate elsewhere. He had, to begin with, tried to find some other rooms in a different part of the town, but when he encountered one difficulty after another he finally abandoned the search as hopeless. The last I heard of him was that he had taken a post in some local government department in the south of England, and there—after his first unhappy experience of the perils of private practice—I have no doubt that he will have a successful if unspectacular career.

I have no doubt, too, that in the last case he dealt with before immersing himself in the placid and unexciting seas of local government—the defence of Mrs. Sorensen upon her trial for murder—he did all that could possibly be done. But it had been clear since the committal that the evidence against her was overwhelming; counsel for the defence didn't put his client in the box, and the jury's verdict of guilty seemed inevitable from the moment the prisoner was arraigned. The part actually played by her husband in the events leading up to Mrs. Skeet's death is still a matter of local speculation, but Sorensen left the town soon after his wife's conviction and is doubtless still collecting his insurance premiums elsewhere.

I come across Laura Matheson occasionally, and although Weld's name is never mentioned I suspect that there is little likelihood of the old friendship between them ripening into something more. Laura possesses a good deal of her father's uncompromising fighting spirit, and when Weld finally lowered his flag I think that he not only lost hope of a career in private practice but also any hopes he might have nursed about Laura as well.

Matheson, of course, continues to flourish. I met him only the other day as I was on my way to court. He looked as immaculate as ever: morning coat, striped trousers, pink carnation, and long Havana were all in evidence, and he moved along with a springy step that belied his years.

"Keeping busy?" I said, as I joined him.

"Busy, my boy? Of course I'm busy! Never had more to do in my life. Don't know where all the work comes from. Keep on increasing my staff but we all seem to be just as hard-pressed as ever. Take this week, for instance. Spent most of Monday morning before the licensing justices, on Tuesday I had a day in the domestic court, Wednesday saw me over at Shelton on a long committal, and on Thursday I was down here defending in a nasty case of dangerous driving. Got the fellow off, I may say, but I had to pull out all the organ-stops to do it."

"And this morning?"

"A couple of applications, two pleas in mitigation, and a defended drunk-in-charge. Told my client he should have a jury, but when I explained that going to sessions would mean briefing counsel, as I'd no right of audience there myself, he insisted on giving it a run before the magistrates. Flattering but foolish, to my mind."

"Beats me why you do it," I said. "Why on earth don't you take another partner and start to free-wheel? You're working yourself to death, largely for the benefit of the inspector of taxes, and you've had such a long innings that it's about time you unwind and settled down to enjoy yourself."

"I do enjoy myself," said Matheson gaily. "I know it doesn't make sense on the face of it. Between ourselves, I've more than I shall ever want, and there'll be plenty left for Laura when I drop. In the meantime, what I pay in tax would keep a couple of battle-cruisers in commission, and, from the financial point of view, I could pull down my plate to-morrow without feeling the pinch."

"Why don't you then?"

"I don't really know, my boy. I don't really know. I sometimes wonder myself. I suppose that I've practised the law for so long that it's got into my blood-stream like a virus. I don't think I could ever give it up. One of these days I'm going to pass out with a heart-attack, and then I suppose everyone will say what a damned fool I was to go on working when I could have packed up years ago and enjoyed myself. Enjoyed myself!" He laughed

harshly. "The thought of a conventional holiday—a six-months' cruise, for instance—leaves me cold. What's more, the law gives me something I can get in no other way—something I've never been able to do without for long. Can you guess what it is?"

I shook my head.

"The perverted pleasure I've always taken in getting mixed up in a damned good fight," he said.

THE END

continued from front flap.

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